

Electronic Questionnaires for Investigations Processing (e-QIP)
Investigation Request #5897216 for Applicant SSN 259-51-5648

Page 1 of 1
Signature Forms

Electronic Questionnaires for Investigations Processing (e-QIP) Investigation Request #5897216

SIGNATURE FORMS

The signature(s) in this document refer to information on forms submitted in the e-QIP Investigation Request #5897216. The signature on the statement below is as valid as directly signing the same statement on a printed e-QIP Investigation Request #5897216 Official Archival Copy. This signed statement and an image of each page from the e-QIP Investigation Request #5897216 Official Archival Copy will be considered official record.

Sign and submit all forms in this document to the office that initiated your Investigation Request.

Data Hash Code: 218d621723b101d238f56be39922373bfd399f63

Official Archival Copy PDF Hash Code: 4ef1fbff1ff1d3bbb497f8149e0d0f9f841ff322

Date/Time Certified in the e-QIP System: 2009-06-07 11:16:32.524

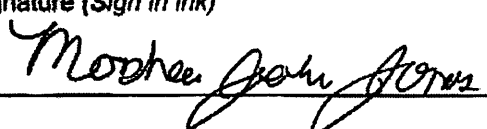
Applicant's Social Security Number: 259-51-5648

Questionnaire for National Security Positions (SF86 Format)

OMB No. 3206-0005

Certification

My statements on this form, and on any attachments to it, are true, complete, and correct to the best of my knowledge and belief and are made in good faith. I have carefully read the foregoing instructions to complete this form. I understand that a knowing and willful false statement on this form can be punished by fine or imprisonment or both (18 U.S.C. 1001). I understand that intentionally withholding, misrepresenting, or falsifying information may have a negative effect on my security clearance, employment prospects, or job status, up to and including denial or revocation of my security clearance, or my removal and debarment from Federal service.

Signature (Sign in ink)	Date
	06/11/09

e-QIP Version 2
e-QIP Investigation Request #5897216

PRIVACY ACT INFORMATION
e-QIP Document Type CER

Standard Form 86-2
Revised July 2008
U.S. Office of Personnel Management
5 CFR Parts 731, 732, and 736

**QUESTIONNAIRE FOR
NATIONAL SECURITY POSITIONS**

Form approved:
OMB No. 3208-0005
NSN 7540-00 634-4036
86-111

UNITED STATES OF AMERICA

**AUTHORIZATION FOR RELEASE OF MEDICAL INFORMATION PURSUANT
TO THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)**

If you answered "Yes" to Question 21, carefully read this authorization to release information about you, then sign and date it in ink.

Instructions for Completing this Release

This is a release for the investigator to ask your health practitioner(s) the questions below concerning your mental health consultations. Your signature will allow the practitioner(s) to answer only these questions.

Authorization

I am seeking assignment to or retention in a national security position. As part of the clearance process, I hereby authorize the investigator, special agent, or duly accredited representative of the authorized Federal agency conducting my background investigation, to obtain the following information relating to my mental health consultations.

In accordance with HIPAA, I understand that I have the right to revoke this authorization at any time by writing to the U.S. Office of Personnel Management. I understand that I may revoke this authorization except to the extent that action has already been taken based on this authorization. Further, I understand that this authorization is voluntary. My treatment, payment, enrollment in a health plan, or eligibility for benefits will not be conditioned upon my authorization of this disclosure.

I understand the information disclosed pursuant to this release is for use by the Federal Government only for purposes provided in the Standard Form 86 and that it may be disclosed by the Government only as authorized by law, but will no longer be subject to the HIPAA privacy rule.

Photocopies of this authorization with my signature are valid. This authorization is valid for one (1) year from the date signed or upon termination of my affiliation with the Federal Government, whichever is sooner.

Signature (Sign in ink) <i>Moshea John Jones</i>		Full name (Type or print legibly) Moshea John Jones		Date signed (mm/dd/yyyy) 06/11/2008	
Other names used John Moshea Jones				Social Security Number	
Current street address 310 Woodstock Dr. SW	Apt. #	City (Country) Atlanta	State GA	Zip Code 30331	Home telephone number 404-699-0574

For Use By Practitioner(s) Only

Does the person under investigation have a condition that could impair his or her judgment, reliability, or ability to properly safeguard classified national security information?

☐ YES ☐ NO

If so, describe the nature of the condition and the extent and duration of the impairment or treatment.

What is the prognosis?

Signature (Sign in ink)	Practitioner name	Date signed (mm/dd/yyyy)
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e-QIP Version 2
e-QIP Investigation Request #5897216

e-QIP Document Type MEL



DEPARTMENT OF HEALTH & HUMAN SERVICES

OFFICE OF THE SECRETARY
EQUAL EMPLOYMENT OPPORTUNITY
FORMAL INDIVIDUAL COMPLAINT FORM FOR EMPLOYMENT
DISCRIMINATION

Agency File No.: HHS-OS-0013-2010

FORMAL COMPLAINT OF DISCRIMINATION IN THE FEDERAL GOVERNMENT		
AUTHORITY: PURPOSE: ROUTINE USES: DISCLOSURE:	42 U.S.C. 2000e-16(b) and (c); 29 U.S.C. Chapter 14; E.O. 12106. Used for processing complaints of discrimination based on race, color, national origin, religion, sex, age, physical or mental disability, and/or retaliation by agency civilian employees, former employees, or applicants for employment. Information will be used: (a) as a data source for complaint information for production of summary descriptive statistics and analytical studies of complaints processing and resolution efforts and may also be used to respond to general requests for information under the Freedom of Information Act; (b) to respond to requests from legitimate outside individuals or agencies (Congress, White House, Equal Employment Opportunity Commission) regarding the status of a complaint or appeal; or (c) to adjudicate a complaint or appeal. Voluntary; however, failure to complete all appropriate portions of this form may lead to dismissal of a complaint on the basis of inadequate data on which to determine if a complaint is acceptable.	
1. NAME OF COMPLAINANT: <div style="font-family: cursive; font-size: 1.2em;">MOSHEA JOHN JONES</div>	2. HOME ADDRESS: <div style="font-family: cursive; font-size: 1.2em;">310 Woodstock Dr. S.W. Atlanta, GA 30331</div>	
3a. HOME PHONE NO: <div style="font-family: cursive; font-size: 1.2em;">404.694.0120</div>	3b. WORK PHONE NO: <div style="font-family: cursive; font-size: 1.2em;">N/A</div>	4. NAME AND ADDRESS OF AGENCY WHERE YOU CURRENTLY WORK: <div style="font-family: cursive; font-size: 1.2em;">N/A</div>
5. DO YOU HAVE A REPRESENTATIVE? <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <input type="checkbox"/> a. YES (Complete Item 6) <input checked="" type="checkbox"/> b. NO </div>		7a. NAME AND ADDRESS OF AGENCY WHERE ALLEGATION(S) OCCURRED: <div style="font-family: cursive; font-size: 1.2em;">DHHS/OIG/OAS 61 Forsyth Street S.W. Suite 3T41</div>
6. IF YES, PROVIDE NAME, ADDRESS, AND PHONE NO. OF REPRESENTATIVE: <div style="margin-top: 20px;"> IS YOUR REPRESENTATIVE AN ATTORNEY? <input type="checkbox"/> YES <input type="checkbox"/> NO </div>		7b. NAME AND TITLE OF MANAGEMENT OFFICIAL RESPONSIBLE FOR THE ALLEGED DISCRIMINATION: <div style="font-family: cursive; font-size: 1.2em;">Peter J. Barberg, RIGA Brion C. Johnson, Audit Manager</div>

8. DATE OF EACH INCIDENT OF ALLEGED DISCRIMINATION:	9. ARE YOU A BARGAINING UNIT EMPLOYEE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	10. ARE YOU AN AGENCY EMPLOYEE OR APPLICANT? <input checked="" type="checkbox"/> a. EMPLOYEE: TITLE, SERIES, GRADE <u>I.T. Auditor GS-05</u> <input type="checkbox"/> b. APPLICANT	
11. REASON YOU BELIEVE YOU WERE DISCRIMINATED AGAINST ("X" BELOW):			
a. RACE (Specify):	<input checked="" type="checkbox"/> e. DISABILITY (Specify): <input type="checkbox"/> Physical: <input checked="" type="checkbox"/> Mental: <u>ADHD</u>	f. AGE (If so, state your Age and Date of Birth):	
b. COLOR (Specify):		g. SEX (Specify):	
c. RELIGION (Specify):		h. RETALIATION (If so, state date and nature of your participation in an EEO-protected activity or opposition to discriminatory practices.):	
d. NATIONAL ORIGIN (Specify):		<input checked="" type="checkbox"/> <u>Opposition to discriminatory practices occurring October 19-24, 2010 while on audit (ES4), GRIEVANCE FILE</u>	
12a. DID YOU DISCUSS YOUR COMPLAINT WITH AN EEO COUNSELOR? <input checked="" type="checkbox"/> a. YES (Complete 12b) <input type="checkbox"/> b. NO	12b. IF "YES," NAME OF EEO COUNSELOR: <u>Les Jennings</u>	12c. DATE YOU FIRST CONTACTED AN EEO COUNSELOR:	12d. DATE RECEIVED NOTICE OF FINAL INTERVIEW/RIGHT TO FILE:
14. TELL BRIEFLY HOW YOU WERE DISCRIMINATED AGAINST: Identify the specific incidents or events and dates on which they occurred; i.e., tell how you were treated differently from other employees or applicants because of your race, color, religion, sex, national origin, age, mental or physical disability, or retaliation. See Instructions. <u>I believe I was discriminated based on the following with respect to my disability:</u> <u>Failure of Management to Provide Reasonable Accommodation</u> <u>Harassment July thru August termination JAN 20, 2010</u> <u>Retaliation for opposition to discriminatory practices (OCT 19-24, 2010)</u> <u>Hostile Work Environment</u>			
15. REMEDY/RESOLUTION: Please describe the terms, conditions, corrective actions, and remedial relief you are seeking in resolving/adjudicating your complaint. <u>A Formal apology Reasonable Accommodation Cease Harassment</u> <u>Full Reinstatement Mitigating Damages NO Additional Form(s) of Retaliation</u>			
16. HAVE ANY OF THE INCIDENTS LISTED IN ITEM 14 BEEN APPEALED TO THE MERIT SYSTEMS PROTECTION BOARD (MSPB) OR FILED UNDER A NEGOTIATED GRIEVANCE PROCEDURE? <input type="checkbox"/> a. YES Explain. (Include date and case number.) <input checked="" type="checkbox"/> b. NO		17. SIGNATURE OF COMPLAINANT: <u>Mark Jim</u> 18. DATE COMPLAINT SIGNED: <u>APRIL 6, 2010</u> 19. DATE COMPLAINT FILED (EEO OFFICE USE):	



DEPARTMENT OF HEALTH & HUMAN SERVICES

OFFICE OF THE SECRETARY
EQUAL EMPLOYMENT OPPORTUNITY
FORMAL INDIVIDUAL COMPLAINT FORM FOR EMPLOYMENT
DISCRIMINATION
Agency File No.: HHS-OS-0034-2010

FORMAL COMPLAINT OF DISCRIMINATION IN THE FEDERAL GOVERNMENT			
AUTHORITY: PURPOSE: ROUTINE USES: DISCLOSURE:		42 U.S.C. 2000e-16(b) and (c); 29 U.S.C. Chapter 14; E.O. 12106. Used for processing complaints of discrimination based on race, color, national origin, religion, sex, age, physical or mental disability, and/or retaliation by agency civilian employees, former employees, or applicants for employment. Information will be used: (a) as a data source for complaint information for production of summary descriptive statistics and analytical studies of complaints processing and resolution efforts and may also be used to respond to general requests for information under the Freedom of Information Act; (b) to respond to requests from legitimate outside individuals or agencies (Congress, White House, Equal Employment Opportunity Commission) regarding the status of a complaint or appeal; or (c) to adjudicate a complaint or appeal. Voluntary; however, failure to complete all appropriate portions of this form may lead to dismissal of a complaint on the basis of inadequate data on which to determine if a complaint is acceptable.	
1. NAME OF COMPLAINANT: MOSHEA JOHN JONES		2. HOME ADDRESS: 310 Woodstock Dr. S.W. Atlanta, GA 30331	
3a. HOME PHONE NO: 404.694.0120	3b. WORK PHONE NO: N/A	4. NAME AND ADDRESS OF AGENCY WHERE YOU CURRENTLY WORK: N/A	
5. DO YOU HAVE A REPRESENTATIVE? <input type="checkbox"/> a. YES (Complete Item 6) <input checked="" type="checkbox"/> b. NO		6. IF YES, PROVIDE NAME, ADDRESS, AND PHONE NO. OF REPRESENTATIVE: IS YOUR REPRESENTATIVE AN ATTORNEY? <input type="checkbox"/> YES <input type="checkbox"/> NO	
7a. NAME AND ADDRESS OF AGENCY WHERE ALLEGATION(S) OCCURRED: DHHS/OIG/OAS 61 Forsyth Street S.W. Suite 3T41		7b. NAME AND TITLE OF MANAGEMENT OFFICIAL RESPONSIBLE FOR THE ALLEGED DISCRIMINATION: Peter J. Barbers, RIGA Brian C. Johnson, Audit Manager	

8. DATE OF EACH INCIDENT OF ALLEGED DISCRIMINATION: <u>See Attachment</u>		9. ARE YOU A BARGAINING UNIT EMPLOYEE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		10. ARE YOU AN AGENCY EMPLOYEE OR APPLICANT? <input checked="" type="checkbox"/> a. EMPLOYEE: TITLE, SERIES, GRADE <u>I.T. Auditor GS-05</u> <input type="checkbox"/> b. APPLICANT	
11. REASON YOU BELIEVE YOU WERE DISCRIMINATED AGAINST ("X" BELOW):					
a. RACE (Specify):		<input checked="" type="checkbox"/> e. DISABILITY (Specify): <input type="checkbox"/> Physical: <input checked="" type="checkbox"/> Mental: <u>ADHD</u>			
b. COLOR (Specify):		f. AGE (If so, state your Age and Date of Birth):			
c. RELIGION (Specify):		g. SEX (Specify):			
d. NATIONAL ORIGIN (Specify):		<input checked="" type="checkbox"/> h. RETALIATION (If so, state date and nature of your participation in an EEO-protected activity or opposition to discriminatory practices.):			
12a. DID YOU DISCUSS YOUR COMPLAINT WITH AN EEO COUNSELOR? <input checked="" type="checkbox"/> a. YES (Complete 12b) <input type="checkbox"/> b. NO		12b. IF "YES," NAME OF EEO COUNSELOR: <u>Garrison Birakett</u>		12c. DATE YOU FIRST CONTACTED AN EEO COUNSELOR:	
				13. DATE RECEIVED NOTICE OF FINAL INTERVIEW/RIGHT TO FILE:	
14. TELL BRIEFLY HOW YOU WERE DISCRIMINATED AGAINST: Identify the specific incidents or events and dates on which they occurred; i.e., tell how you were treated differently from other employees or applicants because of your race, color, religion, sex, national origin, age, mental or physical disability, or retaliation. See Instructions.					
<p>(1) Illegal Termination JAN 28, 2010 I believe I was discriminated based on the following with respect to my disability:</p> <p>(2) Harassment/Hostile Work Environment</p> <p>(3) Failure to Provide Reasonable Accommodation(s)</p> <p>(4) Failure to Comply with DHHS FCIP Performance + Appraisal Guidelines JAN 29, 2010</p> <p>(5) Retaliation for opposition to discriminatory practices Oct 19-24, 2009</p> <p>(6) Retaliation for participation in EEO Complaint JAN 28, 2010</p>					
15. REMEDY/RESOLUTION: Please describe the terms, conditions, corrective actions, and remedial relief you are seeking in resolving/adjudicating your complaint.					
<p>Provide Reasonable Accommodation(s)</p> <p>Management Attend 508 Training Awareness classes</p> <p>Mitigating Damages</p> <p>NO Additional Form(s) of Retaliation</p> <p>Full Reinstatement</p> <p>Provide Better OJT</p> <p>Cease Harassment</p>					
16. HAVE ANY OF THE INCIDENTS LISTED IN ITEM 14 BEEN APPEALED TO THE MERIT SYSTEMS PROTECTION BOARD (MSPB) OR FILED UNDER A NEGOTIATED GRIEVANCE PROCEDURE? <input type="checkbox"/> a. YES Explain. (Include date and case number.) <input checked="" type="checkbox"/> b. NO				17. SIGNATURE OF COMPLAINANT: <u>Murphy J. Jones</u>	
				18. DATE COMPLAINT SIGNED: <u>July 7, 2010</u>	
				19. DATE COMPLAINT FILED (EEO OFFICE USE):	

Summary of the Argument

This Appeal, Agency review... ask that the United States Court of Appeals for the Eleventh Circuit Bring down the shameful wall of exclusion, finally, like George W. Bush signed-off on, and, George H.W. Bush signed-off on, under the Americans With Disabilities Act, the Americans with Disabilities Act Amendments Act, and the Genetic Information Non-discrimination Act... or certify my class complaint that must destroy Obamacare... because I am the Law of the Land, AND, the Land of Law: is Law

As expressed by the Texas Supreme Court, if the "language is susceptible of two constructions, one of which will carry out and the other defeat [its] manifest object, [the statute] should receive the former construction."

Citizens Bank of Bryan v. First State Bank, 580 S.W.2d 344, 348 (Tex. 1979)

What you're saying is that the department can engage in intentional discrimination to avoid concern that they will be sued under disparate impact. Why doesn't it work the other way around as well? Why don't they say, well, we've got to tolerate the disparate impact because otherwise, if we took steps to avoid it, we would be sued for intentional discrimination? This idea that there is this great dilemma - I mean, it cuts both ways.

- Chief Justice John Roberts-

The denial of that spectrum, which represents the truth about disability/disabilities, is reminiscent of America's historical refusal to recognize another spectrum—the reality of race, that broad range of possible combinations and variations. More than one-hundred years ago after the 1863 Emancipation Proclamation, the 1964 civil Rights Act legally protected African-Americans from the effects of the racially related fiction that had rendered them second-class citizens. It should NOT take over one-hundred years for Americans with disability/disabilities and/or genetic Attention Deficit Disorder/Attention Deficit Hyper-activity Disorder to be afforded the right(s) of first class citizenship promised in the 1990 Americans with Disabilities Act or the 2007 Genetic Information Non-discrimination Act.

The Office of Inspector General for the Department of Health and Human Services STILL has not facilitated the Appellant THEN Complainant, Region IV (OIG/DHHS/OS/OAS) Information Technology Auditor Law-enforcement Official, M. John Jones's, FAR 39.2 compliant, approved reasonable Electronic Information & Technology (EIT) accommodations/workplace modifications purchased by the Department of Defence Computer-electronics Accommodation Program (DoD/CAP) that the Law [29 U.S.C. § 794d; 42 U.S.C. § 1982; and E.O. 13164] require MUST be facilitated, when the Agency has

provided no undue burden exception certificate [under 36 CFR Part 1194.4 and FAR 39.204(e)] signed by either OIG or the Agency's Office of the Secretary 508 official(s) that would exempt the Appellant's Manager, [Region IV (OIG/DHHS/OS/OAS) Information Technology Audit & Advanced Audit Techniques Staff Manager, Brian C. Johnson,] and/or the Appellant's Supervisor, [THEN Region IV (OIG/DHHS/OS/OAS) Regional Inspector General for Audit Services, Peter J. Barbera,] both, OIG Law-enforcement officials from within the DHHS Agency's OIG Office of Audit Services, from not complying with 36 CFR Part 1194.3(c) electronic and information technology accessibility standards and 31 U.S.C § 3512 Federal Financial Management Improvement Act of 1996.

It would seem anomalous . . . to think Congress intended no retaliation protection for employees who request a reasonable accommodation unless they also file a formal charge. This would leave employees unprotected if an employer granted the accommodation and shortly thereafter terminated the employee in retaliation."⁷

⁷ Soileau v. Guilford of Maine, 105 F.3d 12, 16 (1st Cir. 1997). See also Garza v. Abbott Laboratories, 940 F. Supp. 1227, 1294 (N.D. Ill. 1996) (plaintiff engaged in statutorily protected expression by requesting accommodation for her disability). The courts in Soileau and Garza only considered whether accommodation requests fall within the opposition or participation clause in Section 503(a) of the ADA. Note, however, that Section 503(b) more broadly makes it unlawful to interfere with "the exercise or enjoyment of . . . any right granted or protected" by the statute.

One of the current problems in employment discrimination law is that courts view discrimination largely as a 'problem of errant or rogue individual discriminators acting contrary to organizational policy and interest.' . . . In some cases, the search for the rogue actor is appropriate; however, [in this case], the search for the rogue actor asks the wrong question about culpability. It ignores the fact that multi-tiered or group decision making processes may make it difficult or impossible to locate intent within a particular person. . . . [It] disregards the ways that both formal and informal processes and policies within an organization shape the intentions and actions of its individual members, and the ways that the actions and intentions of the individual members shape the organization.

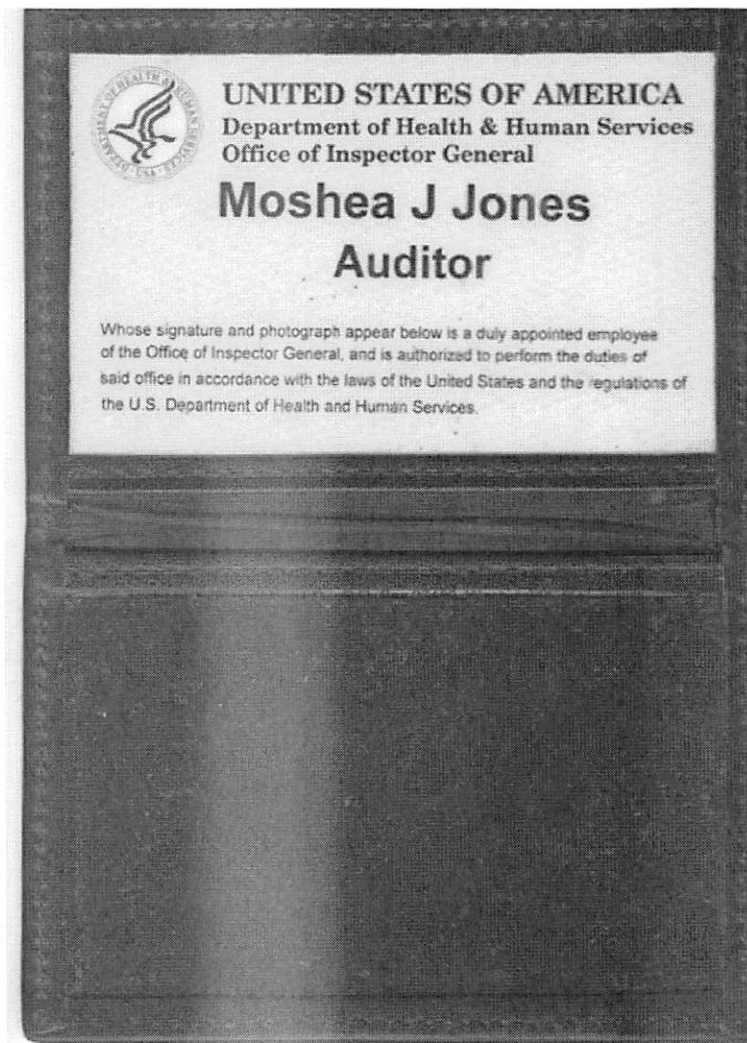
An observer may be made uncomfortable in the presence of an individual with a disability not simply because that person looks "different," but also because of an aversion to thinking about that person's life as if it were the observer's own life. In other words, because the observer wants to avoid thinking about what to him is a terrible life situation, his fear requires that he avoid—or not see—individuals with disabilities. This perception of tragedy, as expressed in comments such as "I'd rather be dead than live like that," can be seen as outward manifestations of the observer's psychological process of fear-avoidance. NOT ONLY is there fear of disability, fuelled by stereotype, but there is also a fear of acknowledging another's pain, of recognizing someone else's courage, and of comprehending the injustices others endure as people of feeling who are marginalized and devalued. We are afraid of feeling, of needing care, and of change because they ALL require the risk of admitting our vulnerability, our interdependence, and our need to reject the presence of emotion in legal decision making.

Justice is ultimately connected with the way people's lives go, and NOT merely with the nature of the institutions surrounding them.

There is too little recognition of the cost of discrimination. . . . Accommodations permit society to benefit from the talents of people with disabilities, as well as, allowing such people to be NOT ONLY tax users, BUT ALSO taxpayers.

I'm charging the United States department of Health and Human Services office of the Secretary with unfair business practices against Americans with disability/disabilities

The confiscation of property from internal process from within United States department of health and human services office of the Secretary is communistic...and disgusting when is occurring by the United States department of health and human services Agency's Office of the Secretary



THE MISSION OF OIG [OFFICE OF INSPECTOR GENERAL] IS TO COMBAT WASTE, FRAUD, AND ABUSE, THE APPELLANT IS A QUALIFIED INFORMATION TECHNOLOGY AUDITOR.

THE APPELLANT POINTED & REPORTED OUT WASTE, FRAUD, AND ABUSE AND WAS RETALIATED FOR DOING SO; THAT WAS LATER CONFIRMED SEPTEMBER 23, 2011

Authorization of an act also authorizes a necessary predicate act; "[W]here a general power is conferred or duty enjoined, every particular power necessary for the exercise of the one, or the performance of the other, is also conferred."

Thomas M. Cooley

A Treatise on the Constitutional Limitations Which Rest upon the Legislative Power of the States of the American Union 63 (1868).



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of Inspector General
Freedom of Information Office
Coburn Building, Room 1062
300 Independence Ave., SW
Washington, DC 20591

Case No. 2011-694-KS

September 23, 2011

Mr. Moshea Jones
301 Woodstock Drive
Atlanta, GA 30331

Dear Mr. Jones:

This is in response to the September 15, 2011 email you sent to the Department of Health and Human Services, Office of Inspector General (OIG), seeking all written or electronic data ensuring OIG compliance with Executive Order 13164, to include all OIG components.

The Office of Inspector General conducted a thorough search for records responsive to your request but could not locate any responsive documents.

There is no charge for FOIA services in this instance because billable fees are under the Department's \$25.00 cost effective threshold.

While we believe that an adequate search of appropriate files was conducted for the records you seek, you have the right to appeal the finding that no records exist relative to your request. Should you wish to do so, you may appeal. Your appeal should be mailed within thirty (30) days from the date of receipt of this letter, to the Deputy Assistant for Public Affairs (News), Room 2221, Mary E. Switzer building, 330 C Street, S.W., Washington, DC 20201. Clearly mark both the envelope and your letter of appeal "FOIA APPEAL".

Sincerely

A handwritten signature in cursive script that reads "Robin R. Brooks".

Robin Brooks
Director
Freedom of Information

Grant \$120 million dollars from the United States Department of Health and Human Services Office of the Sec to Fulton Co. Gov. of Georgia General funds for genetic attention deficit disorder/attention deficit hyper-activity disorder non results based healthcare that was caused by United States office of Inspector General Department of Health and Human Services genetic attention deficit disorder/Attention deficit hyper-activity disorder retaliation, that which, violated 42 U.S.C. § 2000ff-(6) & 42 U.S.C. § 2000ff-(4)

Certificate of Compliance

I certify that this brief complies with the type-volume limitation set forth in FRAP 32(a)(7)(B). This brief contains less than 14,000 words excluding the certificate interested persons and corporate disclosure statement and statement regarding oral argument as well as recorded recollection and memorandum in accordance with FRE 803(5) which is heavily reliant on because the appellant is an information technology auditor of the realm of accountancy with genetic attention deficit disorder/attention deficit hyper-activity disorder and associated learning dyslexia.

Certificate of Declaration & Service

Birthplace: the consecrated grounds from which brought forth the rebirth of America

Moshea (John) Jones
310 Woodstock Dr. SW
Atlanta, GA 30331
P. 404.694.0120
F.404.699.0574
E. mjones95@gsu.edu

*** —'ceteris paribus'— ***

Respectfully submitted,
M. John Jones
mjones95@student.gsu.edu

*I live in deeds, not years; In thought, not breath; In service, not in figures on the dial.
I count time by heart-throbs, when they beat for God, for man, for duty.
He lives most who thinks most, is noblest, acts the best.*

FOIA REQUEST(S) APPEAL

Director, News Division
U.S. Department of Health and Human Services
Mary E. Switzer Building, Room 2206
330 C Street, S.W.
Washington, D.C. 20201

Perhaps DHHS/OS FOIA division is attempting to split [or have spun off a particular portion of the FOIA] Request 2011-1282MT into several parts,...and as such,...new and separate FOIA request(s), or, perhaps not; nevertheless, neither FOIA Request 2013-0962GD, nor FOIA Request 2011-1282 has been completed, yet alone [being] processed promptly, professionally, or in any sort of an efficient manner; and therefore the reason for this credo Of Appeal.

Because I have an ongoing case against this agency's office of secretary and several executive branch employees within the umbrella of the U.S. Department of Health and Human Services, there is a cause of retaliation concern ...or at the very least cause of arbitrary and capricious withholding of information prohibited under the Freedom of Information Act at 5 U.S.C. 552, a failure of due process on the part of this Agency's Office of the Secretary to remain transparent, providing/processing/completing FOIA Request 2011-1282 within the statutory time limits; and equitable estoppel concerns of rights denied by RIGAS THEN Region IV (HHS/OIG/OAS) Regional Inspector General for Audit Services, Peter J. Barbera and Region IV (HHS/OIG/OAS) Audit I.T. Manager, Brian C. Johnson taking or failing to take a personnel action in violation of laws, rule, and regulation implementing/directly concerning merit system principles at 5 U.S.C. 2301(b).

All which have a bearing on Appellant THEN Complainant, Region IV (HHS/OIG/OAS) I.T. Auditor, M. John Jones class certification matters, still pending, but which still require most importantly the complete information sought in 2011-1282 FOIA Request; and RE:FOIA 2013-0962 is incomplete e.g. Facilitation of reasonable accommodations tracking and reporting for all current/former civilian schedule B personnel [of ALL OS Operations/ Divisions vs. OS Executive Branch functioning Components/Divisions (i.e. OS/EEO vs. OIG/OAS) subordinate organizations, in varying demographic patterns (i.e. overall figure total(s) compiled by Region Groups/Divisions, gender, age range, additional protected class status association...etc.) delineating varying patterns of accommodations and OIG's normalized trend facilitation (i.e. percentage mean, median, and mode compiled by length of employment, # of day(s) engaged in interactive process, length of time involved in the multiple stages of processing a reasonable accommodation request, denial vs. approval determination...etc.) of those] having a disability and/or have requested reasonable accommodation(s)/work place modification(s), for the last 5 years or better; see Case. 2011-1282 FOIA Request for the continuance of the partial processing of FOIA Request(s) NOTED HEREIN that have NOT been fulfilled. I will follow-up promptly and update the U.S. Office of Special Counsel, the U.S. Office of Federal Operations Agency Administration and the U.S. House Congressional Committee on Oversight & Government Reform.

P.S. It would also be helpful and less burdensome on the FOIA Analyst, if top tier data mining of Electronically Stored Information (ESI) be segregated either by civilian schedule B employees having disability or civilian schedule B employees having requested such reasonable accommodations be categorized first by executive or non-branch employee.

Please continue processing both freedom of information act request fully and completely; for there is still a pending urgent matter! I encourage your support, so that I may finally, let the shameful wall of exclusion come tumbling down...

Best Regards,

Moshea (John) Jones

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

Amy C. Nerenberg
Acting Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

March 15, 2016

Moshea John Jones
310 WOODSTOCK DR SW
ATLANTA, GA 30331

Appeal Number: 16-10945-A
Case Style: Moshea Jones v. Secretary, U.S. Department of
Agency Docket Number: 0120122573

Pursuant to Eleventh Circuit Rule 42-1(b) you are hereby notified that upon expiration of (14) days from this date, this appeal will be dismissed by the clerk without further notice unless the default(s) noted below have been corrected:

The original check paid to the court was returned by the bank as insufficient. Therefore, you must pay to the docketing fee **or** request leave to proceed in forma pauperis on appeal (form enclosed).

Sincerely,

AMY C. NERENBERG, Acting Clerk of Court

Reply to: Denise E. O'Guin, A/caw
Phone #: (404) 335-6188

Enclosure(s)

DIS-1 Deficiency

Court Name: USCA 11 Office of the Clerk
Division: 1
Receipt Number: 4788002352
Cashier ID: tporter
Transaction Date: 03/16/2016
Payer Name: Moshea Jones

CASE DOCKETING FEE

For: Moshea Jones
Amount: \$500.00

CASH

Amt Tendered: \$500.00

Total Due: \$500.00
Total Tendered: \$500.00
Change Amt: \$0.00

Filing Fee for Case No. 16-10945

Only when a bank clears the check,
money order, or verifies credit of
funds is the fee or debt officially
paid or discharged. A \$53 fee will
be charged for any payment
returned/denied for insufficient
funds.

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

Amy C. Nerenberg
Acting Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

March 29, 2016

Moshea John Jones
310 WOODSTOCK DR SW
ATLANTA, GA 30331

Appeal Number: 16-10945-A
Case Style: Moshea Jones v. Secretary, U.S. Department of
Agency Docket Number: 0120122573

You are receiving this notice because you have not completed the below required filing(s)
pursuant to 11th Cir. Rule 26.1-1:

Certificate of Interested Persons and Corporate Disclosure Statement (CIP) pursuant to 11th Cir.
R. 26.1-1(a)

Pursuant to 11th Cir. R. 26.1-5(c), failure to comply with these Rules may result in dismissal of
the case or appeal under 11th Cir. R. 42-1(b), return of deficient documents without action, or
other sanctions on counsel, the party, or both.

Sincerely,

AMY C. NERENBERG, Acting Clerk of Court

Reply to: Denise E. O'Guin, A/caw
Phone #: (404) 335-6188

Enclosure(s)

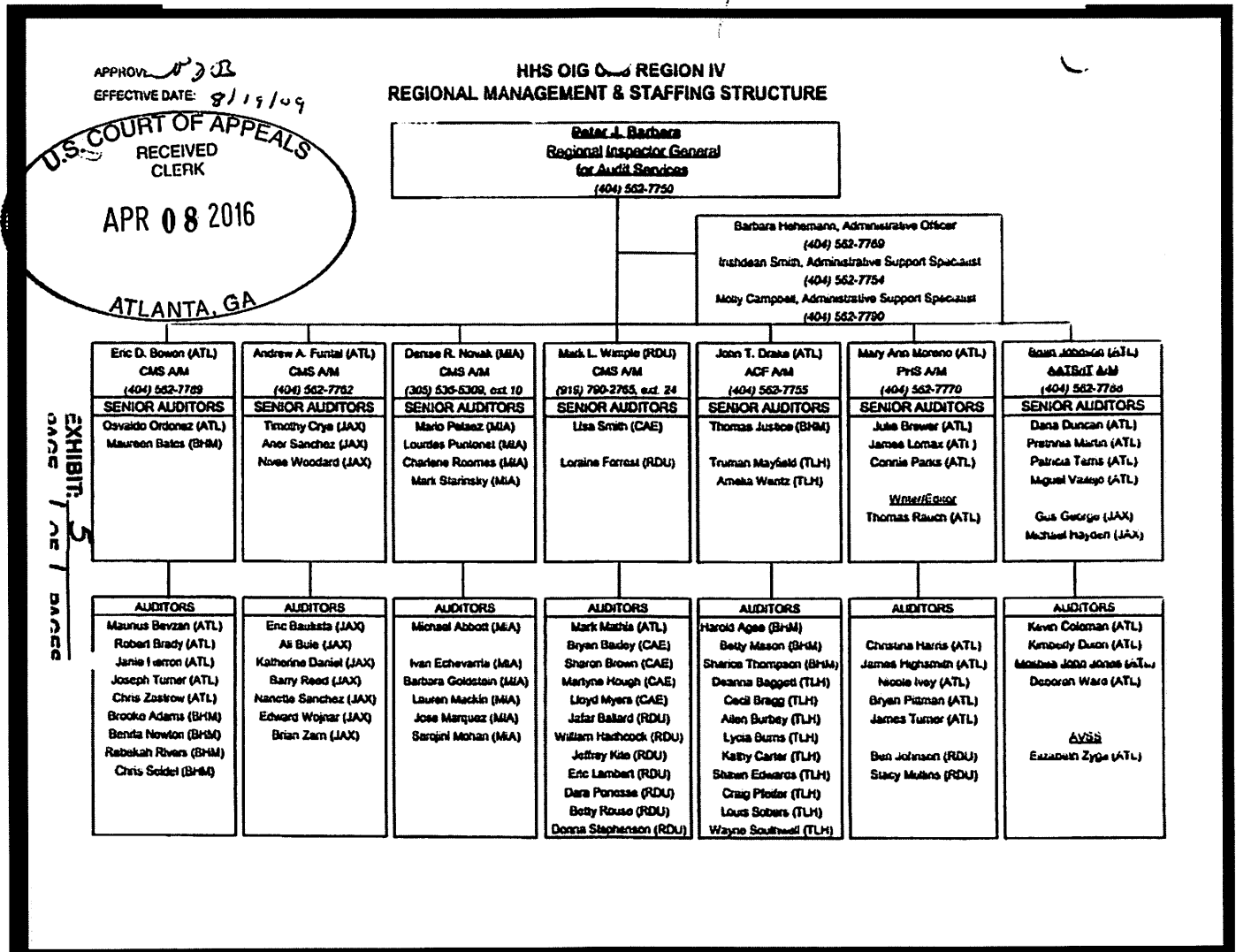
CIP Deficiency Letter

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

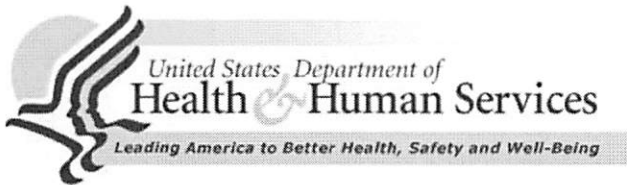
Certificate of Interested Persons & Corporate Disclosure Statement

THEN Region IV (OIG/HHS/OS/OAS) United States Regional Inspector General for Audit Services, Peter J. Barbera



[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency



HHS Employee Details

Last name	Conway
First name	Alexis
Agency	OIG
Organization	HHS/OIG/OCIG
Job title	Senior Counsel
Phone	202-205-3212
Internet e-mail	Alexis.Conway@oig.hhs.gov

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Alexis S. Conway
Office of Counsel to the Inspector General
U.S. Department of Health & Human Services
Cohen Bldg. – Room 5527
330 Independence Ave., S.W.
Washington, D.C. 20201

Americans (citizens of the United States [of America]) with disability/disabilities [non-schedule A hire(s)/applicant(s)] qualified & competitively competing.

Susan Callahan

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency



HHS Employee Details

Last name	Richardson-Crooks
First name	Cynthia
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Job title	Director EEOCO
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Cynthia Richardson-Crooks, J.D., Director
 EEO Compliance and Operations Division
 Department of Health and Human Services
 Mary E. Switzer Building
 330 C St., SW, Suite 2200
 Washington, DC 20201

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency



HHS Employee Details

Last name	Daley
First name	Garfield
Middle name	O
Agency	OS
Organization	HHS/OS/ASPA
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Duty station	Washington District of Columbia
Mail stop	330 C Street SW Switzer BLDG
Phone	(202) 690-8055
Internet e-mail	Garfield.Daley@hhs.gov

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A handwritten signature in black ink, appearing to read "Garfield Daley".

Garfield Daley
Government Information Specialist
FOI/Privacy Acts Division
Office of Public Affairs

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency



HHS Employee Details

Last name	Drake
First name	John
Middle name	T
Agency	OIG
Organization	HHS/OIG/OAS
Job title	Supervisory Auditor
Phone	404-562-7755
Fax	404-562-7795
Internet e-mail	John.Drake@oig.hhs.gov

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Washington, DC 20201

Robert Eckert

Carlton M. Hadden, Director Office of Federal Operations within the U.S. EEOC

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency



HHS Employee Details

Last name	Harris
First name	Erica
Middle name	J
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Job title	SUPV IT SPECIALIST
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Chief, Southeastern Support Center

DHHS OIG OMP/IT

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Atlanta, GA 30303

erica.harris@oig.hhs.gov

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[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency



HHS Employee Details

Last name	Johnson
First name	Brian
Middle name	C
Agency	OIG
Organization	HHS/OIG/OAS
Job title	Audit Manager
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Fax	404-562-7795
Internet e-mail	Brian.Johnson@oig.hhs.gov

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Appellant THEN Office of Inspector General (OIG) Department of Health and Human Services (HHS), Office of the Secretary (OS), Office of Audit Services, Region IV, Information Technology Auditor Law-enforcement official, M. John Jones

Hon. Lana Layton Administrative Trial Judge of the Equal Employment Opportunity Commission OFO
ATLANTA DISTRICT OFFICE

Sam Olens, Attorney General of Georgia
Office of the Attorney General
40 Capital Square, SW
Atlanta, GA 30334
Phone: 404 656-3300

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency



HHS Employee Details

Last name	White
First name	Bonita
Middle name	V.
Agency	OS
Organization	OS/ASA/OHR
Job title	Director Diversity & Inclusion Division
Room	Suite 1318 Room
Duty station	Washington DC
Mall stop	330 C Street SW
Phone	(202) 690-6674
Fax	(202) 690-6758
Internet e-mail	Bonita.White@HHS.GOV

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Bonita V. White, Director
 Department of Health and Human Services
 Hubert H. Humphrey Bldg., Room 347-F
 200 Independence Avenue, SW
 Washington, DC 20201

THEN Agency HHS EEO Director & Office of the Secretary EEO Compliance Division
 Director, and also Acting Office of Diversity Management & EEO (ODME) Director, Bonita
 V. White

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency



HHS Employee Details

Last name	Wilson
First name	Reynolds
Middle name	R
Agency	OIG
Organization	HHS/OIG/OCIG
Job title	Deputy Branch Chief Advice
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Fax	202-205-9758
Internet e-mail	Reynolds.Wilson@oig.hhs.gov

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Reynolds Wilson, Senior Counsel
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 330 Independence Avenue, SW
 Room 5527, Cohen Building
 Washington, DC 20201

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

ANTHEM, INC.

(Exact name of registrant as specified in its charter)

Indiana
(State or other jurisdiction
of incorporation)

001-16751
(Commission
File Number)

35-2145715
(IRS Employer
Identification No.)

120 Monument Circle
Indianapolis, IN 46204
(Address of principal executive offices) (Zip Code)

Registrant's telephone number, including area code: (317) 488-6000



BlueCross BlueShield
of Georgia

ANTHEM, INC.

(Exact name of registrant as specified in its charter)

Indiana
(State or other jurisdiction
of incorporation)

001-16751
(Commission
File Number)

35-2145715
(IRS Employer
Identification No.)

120 Monument Circle
Indianapolis, IN 46204
(Address of principal executive offices) (Zip Code)

Registrant's telephone number, including area code: (317) 488-6000

ANTM (NYSE)

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency



Apple Inc.

(Exact name of Registrant as specified in its charter)

California
(State or other jurisdiction
of incorporation)

001-36743
(Commission
File Number)

94-2404110
(IRS. Employer
Identification No.)

1 Infinite Loop
Cupertino, California 95014
(Address of principal executive offices) (Zip Code)

(408) 996-1010
(Registrant's telephone number, including area code)

AAPL (NASDAQ)

Deloitte

Company · deloitte.com

Deloitte Touche Tohmatsu Limited /də'loɪt 'tuːf
tuː'mɑːtsuː/, commonly referred to as Deloitte,
is a multinational professional services firm
headquartered in New York City in the United
States. Wikipedia

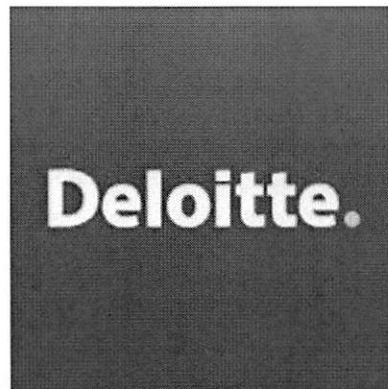
CEO: Punit Renjen

Headquarters: New York City, NY

Revenue: 35.2 billion USD (2015)

Founder: William Welch Deloitte

Founded: 1845, London, United Kingdom



[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

Ernst & Young

Company · ey.com

Ernst & Young is a multinational professional services firm headquartered in London, United Kingdom. Wikipedia

CEO: Mark Weinberger

Headquarters: London, United Kingdom

Revenue: 28.7 billion USD (2015)

Founder: Arthur Young

Founded: 1849, England, United Kingdom



Federal Reserve Bank of Atlanta
1000 Peachtree St NE, Atlanta GA 30309

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

Fulton County Board of Commissioners



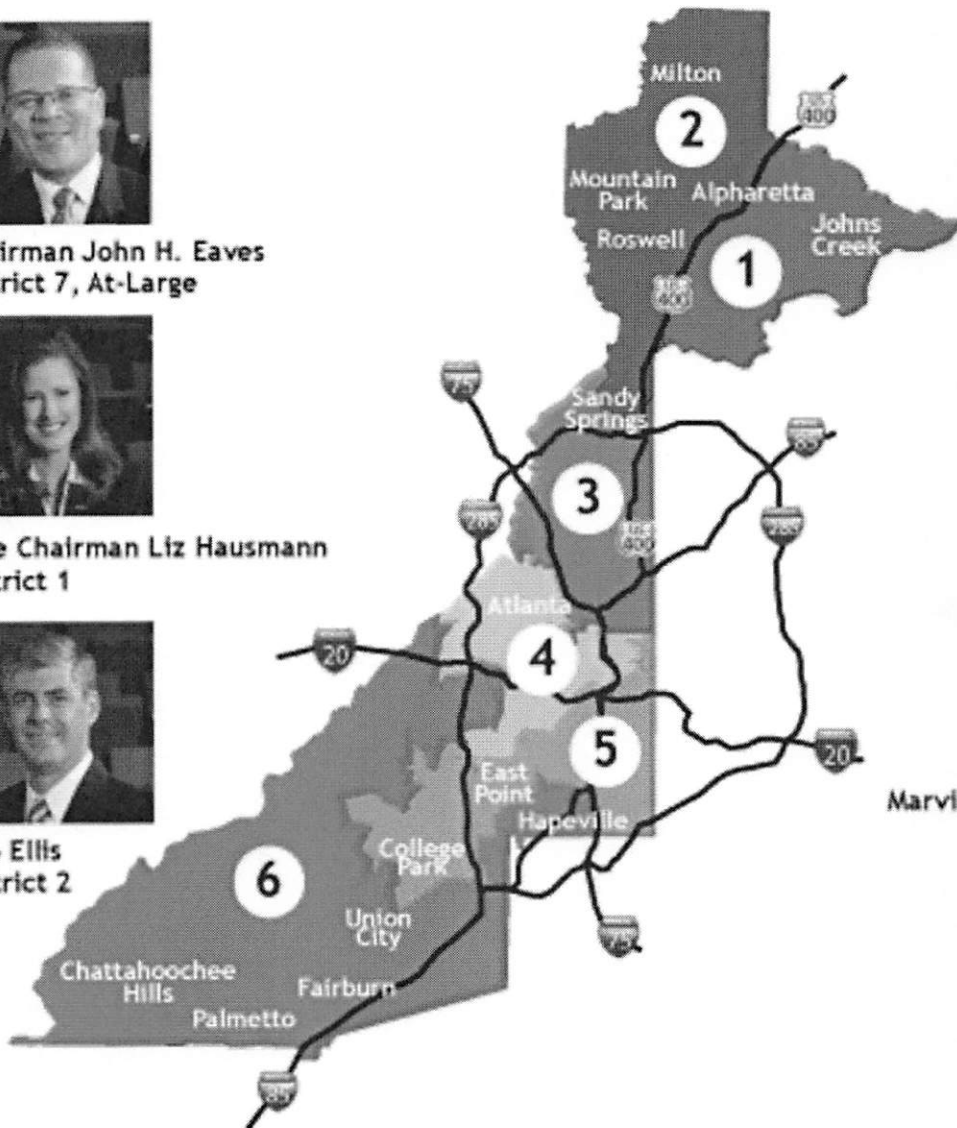
Chairman John H. Eaves
District 7, At-Large



Vice Chairman Liz Hausmann
District 1



Bob Ellis
District 2



Lee Morris
District 3



Joan P. Garner
District 4



Marvin S. Arrington, Jr.
District 5



Emma I. Darnell
District 6

Fulton County Board of Commissioners <of the State of Georgia>
141 Pryor Street SW, 10th floor
Atlanta, GA 30303
Phone: 404-612-8200

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

KPMG

Company · kpmg.com



KPMG is a professional service company, being one of the Big Four auditors, along with Deloitte, EY and PwC. Seated in Amsterdam, the Netherlands, KPMG employs 174,000 people and has three lines of services: audit, tax, and advisory. Wikipedia

Headquarters: Amstelveen, Netherlands

Revenue: 24.44 billion USD (2015)

Customer service: 1 (866) 246-9224

Founded: 1987

Founders: Klynveld Main Goerdeler, Marwick Mitchell & Co., Klynveld Kraayenhof & Co., William Barclay Peat & Co.

**INTERNATIONAL BUSINESS MACHINES
CORPORATION**

(Exact name of registrant as specified in its charter)

New York
(State of Incorporation)

1-2360
(Commission File Number)

13-0871985
(IRS employer Identification No.)

ARMONK, NEW YORK
(Address of principal executive offices)

10504
(Zip Code)

914-499-1900
(Registrant's telephone number)

IBM (NYSE)

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

Commission File Number: 0-14278

MICROSOFT CORPORATION

(Exact name of registrant as specified in its charter)

Washington

(State or other jurisdiction of
incorporation or organization)

91-1144442

(I.R.S. Employer
Identification No.)

One Microsoft Way, Redmond, Washington

(Address of principal executive offices)

98052-6399

(Zip Code)

(425) 882-8080

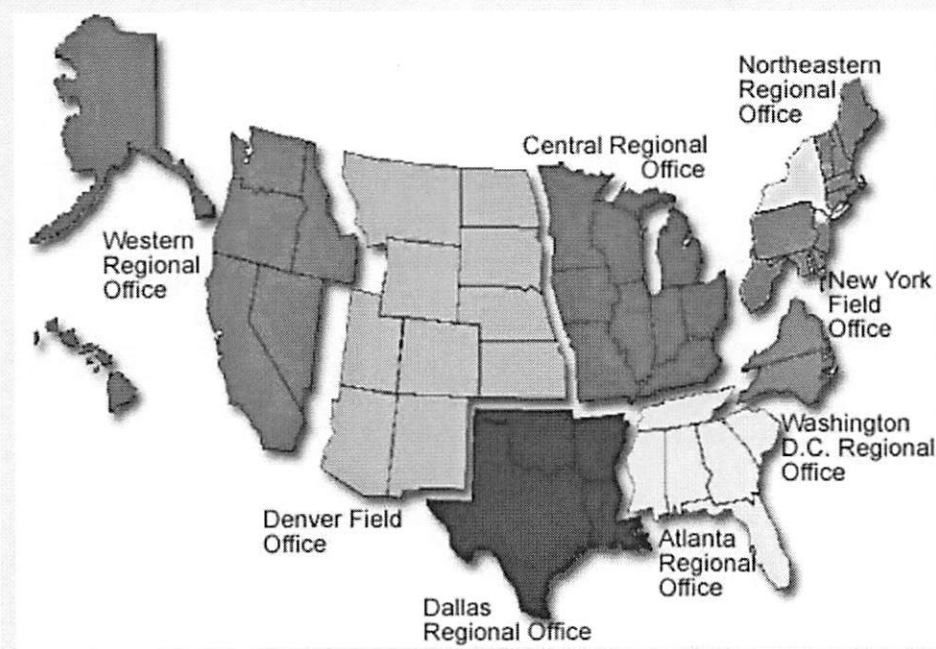
(Registrant's telephone number, including area code)

MSFT (NASDAQ)



U.S. MERIT SYSTEMS PROTECTION BOARD

MSPB Jurisdiction



Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

Merit Systems Protection Board
Washington DC Regional Office
1800 Diagonal Road, Suite 205
Alexandria, VA 22314-2840



PricewaterhouseCoopers

pwc.com

PricewaterhouseCoopers is a multinational professional services network. It is the largest professional services firm in the world, and is one of the Big Four auditors, along with Deloitte, EY and KPMG.

Wikipedia

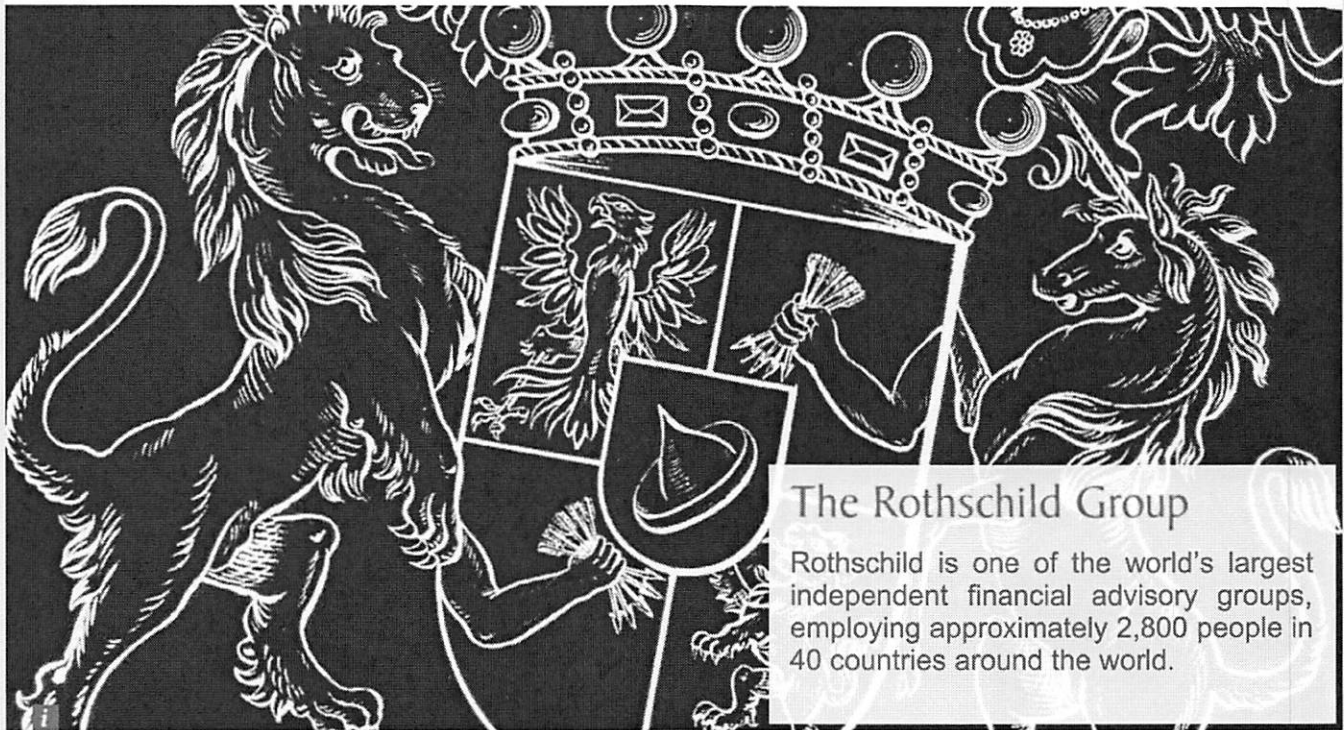
Headquarters: New York City, NY

Revenue: 35.4 billion USD (2015)

Founded: 1998

Acquisition date: 2002

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency



The Rothschild Group

Rothschild is one of the world's largest independent financial advisory groups, employing approximately 2,800 people in 40 countries around the world.

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Rothschild

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Melbourne 3000

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Global Financial Advisory

Rothschild

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50 Bridge Street

Sydney

New South Wales 2000

Australia

Tel: +61 2 9323 2000

Fax: +61 2 9323 2040

Global Financial Advisory

Rothschild Belgique

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

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- Fax: + 32 (0) 2 627 77 59

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- São Paulo
- SP01451-000
- Brazil
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- Fax: +55 21 3039 5826

• Global Financial Advisory

- **Rothschild**
- Bulgaria

• Global Financial Advisory

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- Toronto
- Ontario M5J 2S1
- Canada
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- Fax: +1 416 864 1261

• Global Financial Advisory

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- Charlottetown
- Prince Edward Island
- CIA 7K7
- Canada
- Tel: + 41 44 384 7111

• Trust

- **Rothschild Bank (CI) Limited**
- St. Julian's Court, St Julian's Avenue
- St. Peter Port
- Guernsey GY1 3BP

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

- Channel Islands
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- Fax: +44 1481 711272

• Wealth Management

• **Rothschild Bank International Limited**

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- St. Peter Port
- Guernsey GY1 3BP
- Channel Islands
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- Fax: +44 1481 705000 Lost or stolen Rothschild Visa Card

• Banking

• **Rothschild Trust Guernsey Ltd**

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- St. Julian's Court
- St. Julian's Avenue
- St Peter Port
- Guernsey GY1 6AX
- Channel Islands
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- Fax: +44 1481 712686

• Trust

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- Our Santiago team is contactable through São Paulo.

• **Rothschild**

- Czech RepublicGlobal Financial Advisory
- Our Prague team is contactable through London or Paris.

• **Rothschild**

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- France
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• Global Financial Advisory

• Institutional Asset Management

• Wealth Management

• **Rothschild Merchant Banking**

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- Paris 75008
- France

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

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Global Financial Advisory

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[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

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- Global Financial Advisory

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- Sudirman Central Business District
- Jl. Jend. Sudirman Kav. 52-53
- Jakarta 12190
- Indonesia
- Tel: +62 21 2922 0900Global
- Financial Advisory

- **Rothschild**
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- Tel - Aviv 66882
- Israel
- Tel: +972 72 220 4100
- Fax: +972 72 220 4106
- Global Financial Advisory

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- Via Agnello 5
- 20121 Milano
- Italy
- Tel: +39 02 7244 31
- Trust

- **Rothschild**
- Via Agnello 5
- 20121 Milano
- Italy
- Tel: +39 02 4537 0955
- Wealth Management

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

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- Global Financial Advisory
-
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- Minato-ku
- Tokyo 105-0001
- Japan
- Tel: +81 (0)3 6450 1200
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- Trust
- Wealth Management
-
- **Rothschild**
- KoreaGlobal Financial Advisory
- Our Seoul team is contactable through Hong Kong.
- **Five Arrows Managers SA / PO Participations**
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- L-1136 Luxembourg
- Luxembourg
- Tel: + 352 27 49 721
- Merchant Banking
-
- **Rothschild Malaysia Sdn Bhd**
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- Malaysia
- Tel: +603 2303 3688
- Global Financial Advisory

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

Rothschild

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[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

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- People's Republic of China
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[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

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[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

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- Personal Data Protection Statement

- **Data Protection Officer**
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[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

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[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

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- Fax: + 41 22 818 59 02
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- **Transaction R**
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- Paris 75008
- France
- Tel: +33 1 40 74 43 66Global Financial Advisory
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- Akmerkez Is Merkezi Yani
- Nispetiye Caddesi
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[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

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[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

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- Wealth Management

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

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[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency



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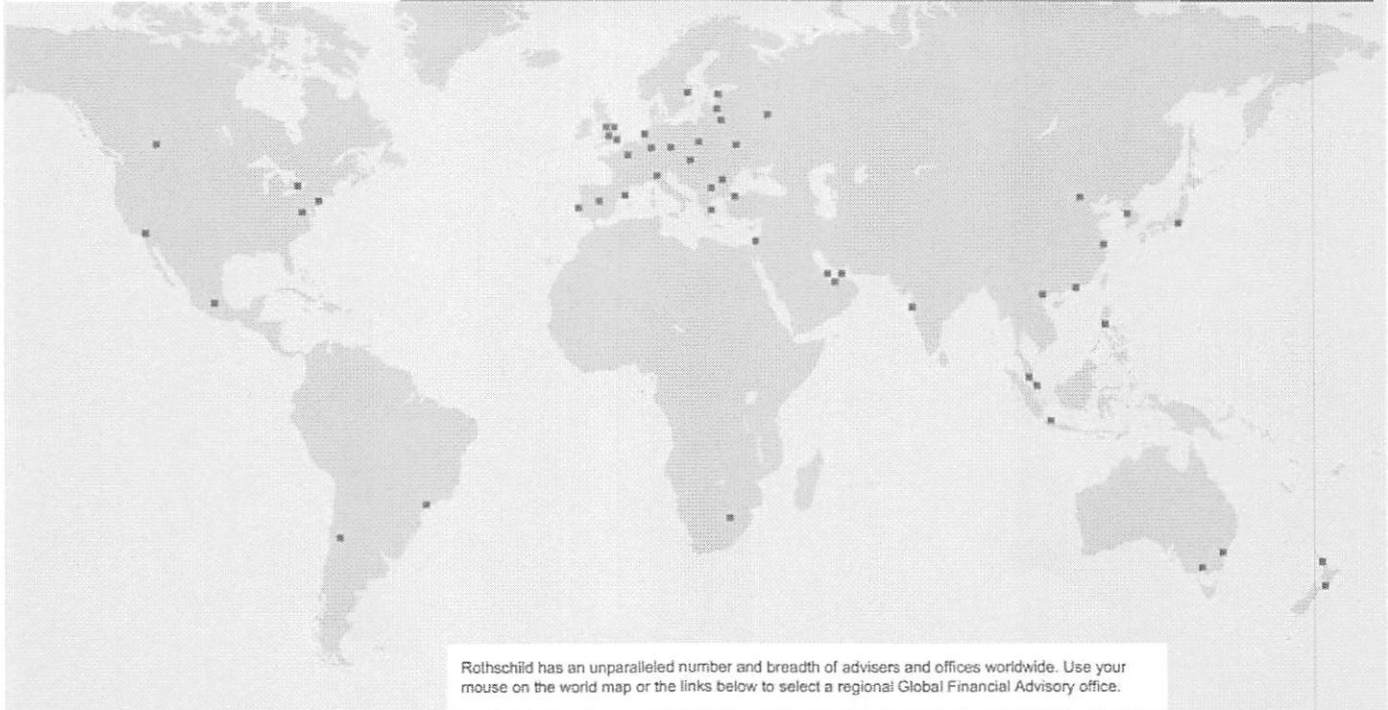
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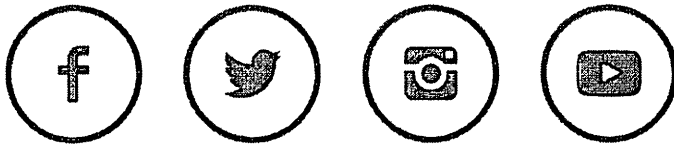
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[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency



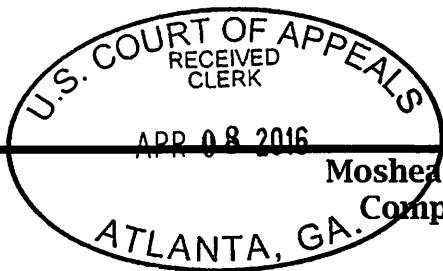
University of Florida
Gainesville, FL 32611
(352) 392-3261

Statement Regarding Oral Argument

The Appellant submits that oral argument would be helpful since the administrative trial Judge of the Equal Employment Opportunity Commission OFO disallowed THEN Region IV (OIG/HHS/OS/OAS) Regional Inspector General for Audit Services, Peter J. Barbera, the Appellant's supervisor, from testifying as to vitiate the Appellant's Bivens/42 U.S.C. § 1983 claims against this individual, and, the decision process would be significantly aided by its allowance. This request is made pursuant to Fed R. App. 34(c) and 11th Cir. R. 28-2(c).

[Appeal and/or] Agency Review No. 16-10945 -19
Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

[Appeal and/or] Agency Review No. 16-10945
In: the United States Court of Appeals for the Eleventh Circuit
56 Forsyth Street, NW
Atlanta, Georgia 30303



Moshea John Jones, a/k/a Gerry W.
Complainant (Appellant) (Petitioner),

v.

Sylvia Mathews Burwell, Secretary,
U.S. Department of Health & Human Services,
Agency (Respondent)

Appellant THEN Office of Inspector General (OIG) United States Department of Health and Human Services (HHS), Office of the Secretary (OS), Office of Audit Services (OAS), Region IV, Information Technology Auditor Law-enforcement official, M. John Jones [Request and/or] Motion to the office of the Clerk or Cir. Judge(s) for the United States Court of Appeal for the 11th circuit hold briefing schedule until United States Equal Employment Opportunity Commission Office of Federal Operations sends OFO Docket No. # 0120131578; And OFO Docket Nos. # 0120122573 {[Agency No: HHS-OS-0013-2010] EEOC Case No: 410-2011-00227X}, 0120122702 {[Agency No: HHS-OS-0034-2010] EEOC Case No: Hearing Requested (see OFO APPEAL Form 573 OFO DOCKET No. # 0120131578) record(s) to the United States Court of Appeals for the 11th circuit!

Appellant THEN Office of Inspector General (OIG) United States Department of Health and Human Services (HHS), Office of the Secretary (OS), Office of Audit Services (OAS), Region IV, Information Technology Auditor Law-enforcement official, M. John Jones [Request and/or] Motion to the office of the Clerk or Cir. Judge(s) for the United States Court of Appeal for the 11th circuit hold briefing schedule until United States Equal Employment Opportunity Commission Office of Federal Operations sends OFO Docket No. # 0120131578; And OFO Docket Nos. # 0120122573 {[Agency No: HHS-OS-0013-2010] EEOC Case No: 410-2011-00227X}, 0120122702 {[Agency No: HHS-OS-0034-2010] EEOC Case No: Hearing Requested (see OFO APPEAL Form 573 OFO DOCKET No. # 0120131578} record(s) to the United States Court of Appeals for the 11th circuit!

Or at least extension of 14 days to give the DHHS Agency flexibility to consent to a request of permission to give/allow the Appellant THEN Complainant, Region IV (OIG/HHS/OS/OAS) Information Technology Auditor Law-enforcement official, M. John Jones to send/serve [a] brief and/or motions electronically to/on DHHS Agency.

In addition to this first request, I am asking the court to grant electronic submission of one of the 4 briefs or 7 briefs ... Owed due to this United States Court of Appeals for the Eleventh Circuit... And perhaps some clarification on whether or not the Appellant is required to file 4 or 7 briefs because I, **Appellant THEN Office of Inspector General (OIG) United States Department of Health and Human Services (HHS), Office of the Secretary (OS), Office of Audit Services (OAS), Region IV, Information Technology Auditor Law-enforcement official, M. John Jones**, say/declare I have a class complaint, and, I can prove it using Fed.

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

R. Evid. 803(5) 'Recorded Recollection and Memorandum' and Fed. R. Evid. 803(6) 'Records of Regularly Conducted Activity' inserted/shown directly below [;AND that way I don't violate establish local/federal rules of the United States Courts that declare this motion should not be more than 14 pages].

From: Moshea John Jones moshea.john.jones@me.com
 Subject: OFO Docket No. # 0120131578; And OFO Docket Nos. # 0120122573 [Agency No: HHS-OS-0013-2010] EEOC Case No: 410-2011-00227X; 0120122702 [Agency No: HHS-OS-0034-2010] EEOC Case No: Hearing Requested (see OFO APPEAL Form 573 OFO DOCKET No. # 0120131578)
 Date: 24 June 2015 15:18
 To: cfo.eeoc@eeoc.gov, JOSEPH POPIDEN joseph.popiden@eeoc.gov
 Cc: inspector.general@eeoc.gov, Jamie_fly@rubio.senate.gov, marvin_figuerca@warner.senate.gov, Jennifer_Hayee@perdue.senate.gov, lana.layton@eeoc.gov
 Bcc: Moshea (John) Jones stu00241@gmail.com



This is an acknowledgment of the March 24, 2015 email in which this unit of EEOC administrative magistrate provided a upload portal as an alternative for me to submit my large capacity electronic document which is approximately 1,000 pages; I'm still currently engaged in that process, however, I just wanted to make sure the following below was understood about my class complaint/certification-efforts and the other complexity with respect to Issue VI that state as follows: Haa genetic Attention Deficit Disorder/Attention Deficit Hyper-activity Disorder (ADD/ADHD) retaliation by Brian C. Johnson and Peter J. Barbera, that which is prohibited by 42 U.S.C. § 2000ff-6 and in violation of 42 U.S.C. § 2000ff-4, that which occurred in OIG Federal Career Intern Program against Appellant caused subsequent Title I GINA violation and ADAAA violations by BCSG and Fulton County Government of Georgia against Appellant ? AND YES, I have 42 U.S.C. § 1983 claims against these two individuals in Issue VI, in additional to others federal Law enforcement agents and federal policymaking officials/employees and/or former employees, which I will of course provide details of in the upload submittal via EEOC portal that which I mentioned was provided.



HANDICAPPED / DISABLED
 DEPENDENT DETERMINATION
 P.O. Box 4445
 Atlanta, GA 30302
 Fax: 404 849-2070



Contract holder must fill in all items on the application or it will not be processed.

NAME Jones, Evelyn Elaine	DATE 10/13/2001	PHONE 714-640-0303
ADDRESS 310 Woodstock Rd SW	CITY Atlanta, GA 30331	STATE GA
DATE OF BIRTH 10/10/55	SEX F	SSN 259-51-5648
DATE OF DEATH N/A	DATE OF DEATH N/A	DATE OF DEATH N/A

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

PHYSICIANS CONSULTED SINCE DISABILITY BEGAN		ADDRESS	DATES CONSULTED	
			FROM	TO
Lemond T. Cottrell MD		3184 A.H. Rd.; Smyrna	5-7-2010	present
NG, MD		285 Boulevard Atlanta, GA 30312	2-14-2010	5-8-2011
Leslie T. Cottrell, MD		1601 Maple St, Carrollton, GA 30118	8-15-2003	5-23-2008
Gloria Richards, MD		3915 Cascade Rd SW, Atlanta, GA 30331	9-26-2001	12-17-2009
Name of Attending/Consulting Physician		Signature of Physician certifying above information		Date Signed
Lemond T. Cottrell MD		[Signature]		8/17/11
<p>I agree that any coverage which may be issued to the dependent named herein shall be binding only if all statements in this certification are complete and true, and if approved by the Blue Cross and Blue Shield of Georgia Plan. Furthermore, the Plan may decide to discontinue the applicant coverage if any statement is not complete and true.</p> <p>I, the undersigned, hereby certify that the above statements are each and true to the best of my information knowledge and belief, and that they are made for the purpose of securing the disability benefits set forth in the disability provision contained in the above described policy or policies. I agree that these statements and the statements of all physicians who attended or treated the insured shall constitute the basis of this claim, and further agree that the furnishing of this form or any other forms supplemental thereto by Blue Cross and Blue Shield of Georgia (the Plan) shall not be considered an admission by it of any liability, nor a waiver of any of its rights or defenses.</p> <p>The undersigned hereby waives on behalf of himself or of any person who shall be interested in the policies heretofore mentioned, all provision of law forbidding or restricting any physician or other person who, at any time, attended or examined the insured from disclosing in the courts or otherwise, any knowledge, information or belief which he thereby acquired, and I hereby specifically authorize all such persons, including hospitals, to freely communicate this knowledge to the Plan, if it requests them to do so.</p>				

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

Frederic M. Jones 8/5/2011 Sherril Bay
 SIGNATURE (if signed by anyone other than the insured, indicate on reverse side) DATE WITNESS

**PLEASE READ CAREFULLY
 CONDITIONS OF ELIGIBILITY**

Under the provisions of the Contract coverage, a dependent who is mentally or physically disabled may continue coverage to any age provided the dependent is:

1. Unmarried, and
2. So incapacitated as to be incapable of self-sustaining employment, and
3. Mentally or physically disabled prior to attainment of the age where coverage would otherwise be terminated.
4. No lapse of coverage greater than 60 days.

IMPORTANT POINTS:

Neither a reduction in work capability, nor inability to find employment, are, of themselves, evidence of eligibility for continuation of coverage.

Blue Cross and Blue Shield contract benefits will not be provided when such benefits are available in whole or in part, under the laws of the United States of America or any state or political subdivision thereof.

INSTRUCTIONS

We want to complete the processing of your application at the earliest possible date. In order to avoid delay, please read and follow the instructions printed below.

I. APPLICATION

- A. Please answer all questions fully. If you do not have sufficient space, you may attach a separate sheet.
- B. If you are self-employed, please attach a separate sheet indicating the present status of your business (i.e. sold, leased, liquidated, etc.)

II. ATTENDING PHYSICIAN'S STATEMENT

- A. It is imperative that we have complete medical proof of your dependent's disability. This should be supplied by the physician(s) who treated your dependent during the entire period of disability. If additional space is needed, please attach a separate sheet or complete office records.
- B. Please ask your physician to answer all questions fully and to give exact dates. If any changes and/or corrections are necessary, please be sure that each change is initialed by the physician.

An Independent Licensee of the Blue Cross Blue Shield Association

11025 07/05

PAGE 2

Does NOT Title VII protect against pattern and practice discrimination, which would include a pattern and practice of disability employment discrimination that which is still occurring by the Department of Health and Human Services Office of the Secretary of the United States of America? And does this require this court or the Supreme Court to halt the Department of Health and Human Services Office of the Secretary of the United States of America from erecting a national healthcare exchange account?

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

HANDICAPPED / DISABLED
DEPENDENT DETERMINATIONP.O. Box 4445
Atlanta, GA 30302
Fax: 404-842-8040

Contract holder must fill in all fields on the application or it will not be processed.

Full Name of Contract Holder (Last, First, Middle) Jones Evelyn Elaine		Group Number 1001398001	Contract Number 719AG401803
Mailing Address 310 Woodstock Dr SW Atlanta GA 30331		City Atlanta	State GA
Full name of handicapped/disabled dependent (Last, First, Middle) Jones Moshea John		Birthdate 9/16/85	Sex <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female
Marital Status of Dependent <input type="checkbox"/> Married <input checked="" type="checkbox"/> Single	Relationship To Contract Holder Son	Nature of Disability mental handicap	Date of Disability 1992
Is dependent listed as Income Tax exemption? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Was or is dependent employed for wages? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Name of Dependent (s) last Employer U.S. DHHS / OIG / OAS		Address of Dependent (s) last Employer (Street, City, State, Zip Code) 5600 Fitch Lane Rockville MD 20857	
Reason for Termination Written + oral communication / collaborating deficiencies		Termination Date 6/13/10	Average Weekly Earnings \$16.13
Does dependent now have any Hospital/Medical coverage? If "Yes" complete details below. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No only current			
OTHER INSURANCE POLICIES PROVIDING FOR DISABILITY, SICKNESS OR ACCIDENT BENEFITS FOR THE DEPENDENT			
Company Name N/A	Address (Street, City, State, Zip Code) N/A	Policy or Certificate Number N/A	
Company Name N/A	Address (Street, City, State, Zip Code) N/A	Policy or Certificate Number N/A	
Company Name N/A	Address (Street, City, State, Zip Code) N/A	Policy or Certificate Number N/A	
Is dependent eligible for care under Federal, State or Local Law? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If "Yes", give type of care N/A	
Address of agency providing care (Street, City, State, Zip Code) N/A		If "Yes", what was the effective date? N/A	
Is dependent currently receiving Social Security benefits? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If "No", have benefits been denied? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
THE FOLLOWING MUST BE COMPLETED AND CERTIFIED BY A PHYSICIAN			
1. The above named dependent is presently incapable of self-sustaining employment by reason of (Check One) <input checked="" type="checkbox"/> Mental Handicap <input type="checkbox"/> Physical Handicap <input type="checkbox"/> Total Disability			Is handicap congenital? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2. Diagnosis of condition(s), illness or injury causing status checked in Number 1 above (Describe fully the nature of the disability) Attention Deficit Hyperactivity Disorder (ADHD)			Date of Disability Mo. ? Day ? Year 1992
Name of Disabling Diagnosis ADHD - severe			
ICD-9 Code(s) 314.01; 315.09			
3. Prognosis and estimated number of months or years prob - fair prognosis; pt has very severe case; just began taking medication			
4. Was dependent hospital confined? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Name of hospital, if admitted as an inpatient			
Admitted (Mo., Day, Year) Discharged (Mo., Day, Year) Address of hospital (Street, City, State, Zip Code)			
Admitting Diagnosis ICD-9 Code			
Date dependent became totally and continuously disabled and completely prevented from engaging in any occupation whatsoever for compensation Mo. Jan. Day 21 Year 2009			
Has dependent been able to engage in any gainful occupation or do any work since the disability began? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
Date dependent resumed work or expects to resume work Mo. Feb. Day 15 Year 2014			

11085 07/05

PAGE 1

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

PHYSICIANS CONSULTED SINCE DISABILITY BEGAN	ADDRESS	DATES CONSULTED	
		FROM	TO
Leonard J. Wein MD	3188 A.H. Rd. ; Smyrna	5-9-2011	present
NG, MD	265 Boulevard Atlanta, GA 30312	2-14-2010	5-8-2011
Leslie T. Cottrell, MD	1601 Maple St, Carrollton, GA 30118	8-15-2003	5-23-2006
Gloria Richards, MD	3915 Cascade Rd SW, Atlanta, GA 30331	9-26-2001	12-17-2009

Name of Attending/Admitting Physician Leonard J. Wein MD	Signature of Physician certifying above information <i>Leonard J. Wein</i>	Date Signed 8/17/11
---	---	------------------------

I agree that any coverage which may be issued to the dependent named herein shall be binding only if all statements in this certification are complete and true, and if approved by the Blue Cross and Blue Shield of Georgia Plan. Furthermore, the Plan may declare ineffective the applicant coverage if any statement is not complete and true.

I, the undersigned, hereby certify that the above statements are each and all complete and true to the best of my information knowledge and belief, and that they are made for the purpose of securing the disability benefits set forth in the disability provision contained in the above described policy or policies. I agree that these statements and the statements of all physicians who attended or treated the insured shall constitute the basis of this claim, and further agree that the furnishing of this form or any other forms supplemental thereto by Blue Cross and Blue Shield of Georgia (the Plan) shall not be considered an admission by it of any liability, nor a waiver of any of its rights or defenses.

The undersigned hereby waives on behalf of himself or of any person who shall be interested in the policies heretofore mentioned, all provision of law forbidding or restricting any physician or other person who, at any time, attended or examined the insured from disclosing in the courts or otherwise, any knowledge, information or belief which he thereby acquired, and I hereby specifically authorize all such persons, including hospitals, to freely communicate their knowledge to the Plan, if it requests them to do so.

Frederic Elaine Jones 8/5/2011 *Sherri Bay*
 SIGNATURE (if signed by anyone other than the insured, explain on reverse side) DATE WITNESS

PLEASE READ CAREFULLY CONDITIONS OF ELIGIBILITY

Under the provisions of the Contract coverage, a dependent who is mentally or physically disabled may continue coverage to any age provided the dependent is:

1. Unmarried, and
2. So incapacitated as to be incapable of self-sustaining employment, and
3. Mentally or physically disabled prior to attainment of the age where coverage would otherwise be terminated.
4. No lapse of coverage greater than 60 days.

IMPORTANT POINTS:

Neither a reduction in work capability, nor inability to find employment, are, of themselves, evidence of eligibility for continuation of coverage.

Blue Cross and Blue Shield contract benefits will not be provided when such benefits are available in whole or in part under the laws of the United States of America or any state or political subdivision thereof.

INSTRUCTIONS

We want to complete the processing of your application at the earliest possible date. In order to avoid delay, please read and follow the instructions printed below.

I. APPLICATION

- A. Please answer all questions fully. If you do not have sufficient space, you may attach a separate sheet.
- B. If you are self-employed, please attach a separate sheet indicating the present status of your business (i.e. sold, leased, liquidated, etc.)

II. ATTENDING PHYSICIAN'S STATEMENT

- A. It is imperative that we have complete medical proof of your dependent's disability. This should be supplied by the physician(s) who treated your dependent during the entire period of disability. If additional space is needed, please attach a separate sheet or complete office records.
- B. Please ask your physician to answer all questions fully and to give exact dates. If any changes and/or corrections are necessary, please be sure that each change is initialed by the physician.

An Independent Licensee of the Blue Cross Blue Shield Association

There are over 50 million Americans with disabilities; Should "unfair business practices"* against Americans with disability be allowed to continue, that which is STILL occurring by the DHHS OS of the United States of America...?**

...Let the shameful wall of exclusion, finally come tumbling down!

****an "unfair business practice" occurs when it offends an established public policy or when the practice is immoral, unethical, oppressive, unscrupulous or substantially injurious to customers.**

Has Department of Health & Human Services (DHHS), Office of the Secretary (OS) engaged in a pattern and practice of disability employment discrimination, that which is systematic and tantamount to class-wide disparate treatment with respect to the non-facilitation of FAR 39.2 approved reasonable electronic information & technology accommodation(s)/workplace modification(s) procured by the Department of Defense, in violation of 29 U.S.C. § 794, 794d, and 42 U.S.C. § 1985; perpetuated by this Agency's Office of Inspector General (OIG) and its Office of Counsel to the Inspector General (OCIG), the Agency's General Counsel?

~~Has Department of Health & Human Services (DHHS) —~~

~~THE DEPARTMENT OF HEALTH & HUMAN SERVICES (DHHS), Office of the Secretary (OS) engaged in a pattern and practice of disability employment discrimination that is systematic and tantamount to class-wide disparate treatment in violation of 29 U.S.C. § 794, 794d, and 42 U.S.C. 1985 with respect to the non-facilitation of FAR 39.2 approved reasonable electronic information & technology accommodation(s)/workplace modification(s), procured by the Department of Defense; perpetuated by this Agency's Office of Inspector General (OIG) and its Office of Counsel to the Inspector General (OCIG), the Agency's General Counsel?~~


The Appellant made timely motion for class certification under EEOC administrative magistrate rules 29 C.F.R. § 1614.204(b) and Fed. R. Civ. P. Rule 23 during 2nd day of EEOC Hearing No. 410-2011-00227X Agency EEO Complaint No. HHS-OS-0013-2010; "I'm not certifying this case as a class case" is the bench ruling of Hon. Lana Layton, U.S. EEOC Atlanta District Office administrative trial judge on this determination, however, Fed. R. Civ. P. Rule 23(f) substantive due process right to appeal such determination is deprived when no order of decree from Hon. Lana Layton exist either granting or denying class action certification; in violation of Fed. R. Civ. P. Rule 23(c)(1)(A). "Fed. R. Civ. P. 23(f) is clear and unambiguous as to its application. Only those orders granting or denying class certification may be pursued in the appellate courts immediately."

The District Court order from which appellant appeals EEOC No. 410-2011-00227X Agency No. HHS-OS-0013-2010 still now before OFO appellate tribunal of the EEOC under consolidated Docket No. # 0120131578 appeal implementing EEOC decision shown directly below and highlighted in accordance with FRE 803(8) is NOT an order granting or denying class certification;

EXHIBIT

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

 U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Office of Federal Operations
P.O. Box 77966
Washington, DC 20013

Moshea J. Jones,
Complainant,

v.

Kathleen Sebelius,
Secretary,
Department of Health and Human Services,
Agency.

Appeal Nos. 0120122573, 0120122702

Agency Nos. HHS-OS-0013-2010, HHS-OS-0034-2010

Hearing No. 410-2011-00227X (for Appeal No. 0120122573)

DECISION

Complainant filed two separate appeals from two separate final decisions dated April 20, 2010, and May 24, 2010. In a final decision dated April 20, 2010, the Agency implemented the determination of an Administrative Judge, finding no discrimination. In a final decision dated May 24, 2010, the Agency dismissed a formal complaint. Complainant's appeals on both decisions are timely, regarding unlawful employment discrimination in violation of Title VII of the Civil Rights Act of 1964 (Title VII), as amended, 42 U.S.C. § 2000e et seq. and Section 501 of the Rehabilitation Act of 1973 (Rehabilitation Act), as amended, 29 U.S.C. § 791 et seq. We exercise our discretion to consolidate the appeals for joint processing, pursuant to 29 C.F.R. § 1614.606.

BACKGROUND

Appeal No. 0120122573, Agency No. HHS-OS-0013-2010

On April 6, 2010, Complainant filed a formal complaint.¹ The Agency accepted the following three claims for investigation:

¹ In its final decision, the Agency identified the date of filing (identified as "DOF") as "05/15/2010." However, other documents of record identify the filing date of the formal complaint as April 6, 2010.

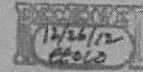
however; Appellant THEN Complainant, Region IV (OIG/HHS/OS/OAS) Information Technology Auditor, M. John Jones moved to certify class on January 27, 2012. [29 C.F.R. § 1614.204(b); details of which begin on page 444 of trial hearing transcripts immediately shown below in accordance with FRE 803(10): Absence of Public Record or Entry determination by Order Whether Class Action to Be Maintained in contradiction of Rule 23(c)(1)(A).]

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Office of Federal Operations
P.O. Box 77960
Washington, DC 20013



Moshea J. Jones,
Complainant,

v.

Kathleen Sebelius,
Secretary,
Department of Health and Human Services,
Agency.

Appeal Nos. 0120122573, 0120122702

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[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

Page 436

UNITED STATES OF AMERICA
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
ATLANTA DISTRICT OFFICE

In the Matter of:

MOSHEA JOHN JONES, EEOC No.
410-2011-00227X

Complainant, Agency No.
HHS-OS-0013-2010

v.
DEPARTMENT OF HEALTH
AND HUMAN SERVICES,
OFFICE OF INSPECTOR
GENERAL, OFFICE OF AUDITS
ATLANTA, GEORGIA

Respondent Agency.

Nunn Federal Center
61 Forsyth Street
Suite 3T12
Atlanta, Georgia

Friday, January 27, 2012

The above-entitled matter came on
for hearing, pursuant to Notice, at 9:29 a.m.

BEFORE:

HON. LANA LAYTON, Administrative Judge

Neal R. Gross & Co., inc.
202-234-4433

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

Page 437	Page 439
<p>APPEARANCES:</p> <p>On behalf of Complainant:</p> <p>MOSHEA JOHN JONES, Pro se</p> <p>On behalf of Respondent Agency:</p> <p>E. REYNOLDS WILSON, Senior Counsel</p> <p>ALEXIS S. CONWAY, Associate Counsel</p> <p>Office of Counsel to the Inspector General</p> <p>330 Independence Ave., SW</p> <p>Washington, DC 20201</p> <p>(202) 205-9212</p> <p>Also present:</p> <p>MATTHEW PENCE, Intern</p> <p>RITA CHERRY, Intern</p>	<p>PROCEEDINGS</p> <p>JUDGE LAYTON: Okay. Let's go ahead and go on the record. It's the January 27th, 2012, and this is the continuation of the hearing of Moshea John Jones versus the Department of Health and Human Services. Present in the room today is myself, Matthew Pence, who is one of my interns, Rita Cherry, one of my interns, Ms. Conway, Mr. Wilson, and Mr. Jones. Ms. Conway and Mr. Wilson represent the Agency. Mr. Jones is representing himself. We concluded the last day of testimony on Wednesday, November 2nd, 2011, and I believe because of the amount of time that it took us we did not get through all of the Agency's witnesses. correct?</p> <p>MR. WILSON: That's correct.</p> <p>JUDGE LAYTON: So who do we still have today for the Agency?</p> <p>MR. WILSON: Well, there were two additional witnesses, Kimberly Dixon, who was</p>
Page 438	Page 440
<p>CONTENTS</p> <p>WITNESSES: DIRECT CROSS REDIRECT RECROSS</p> <p>Moshea Jones 459 438 829</p> <p>Kimberly Dixon 834 863</p> <p>Erica Harris 867 894</p> <p>EXHIBITS: IDENT RECD</p> <p>Agency</p> <p>10 - Non-approved software form 669 672</p> <p>11 - 9/28/2009 emails 672 679</p> <p>12 - 6/22/2009 email 754 755</p> <p>13 - 2/2010 emails 758 801</p> <p>Complainant</p> <p>2 - emails 912</p> <p>1 - PCIP handbook 805 807</p>	<p>... who served as the auditor in charge on several projects that Mr. Jones worked on, and then also Erica Harris, who is a supervisory IT specialist.</p> <p>JUDGE LAYTON: All right. And then the Complainant also is going to be testifying today.</p> <p>And, Mr. Jones, what I'm going to do, I believe, is have you testify first.</p> <p>MR. JONES: Okay.</p> <p>JUDGE LAYTON: ... and did you have any -- I didn't know if you have anything that you --</p> <p>MR. JONES: I wanted to --</p> <p>JUDGE LAYTON: Go ahead.</p> <p>MR. JONES: I wanted to, I guess, introduce the bulk of my exhibits into the --</p> <p>JUDGE LAYTON: Into the record?</p> <p>MR. JONES: -- into the record.</p> <p>JUDGE LAYTON: Now, did we do that last time? Because I was thinking that I said that I was going to admit them. Was it that</p>

Neal R. Gross & Co., Inc.
202-234-4433

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

Page 441

1 we didn't actually do it?

2 MR. WILSON: No, I --

3 MR. JONES: Go ahead.

4 JUDGE LAYTON: Go ahead, go ahead.

5 MR. WILSON: Sorry. I think what

6 we said was when -- there was a discussion

7 about this because of the way in which Mr.

8 Jones provided his exhibits at the last

9 minute, some as soon as an hour or so before

10 the hearing started --

11 JUDGE LAYTON: Right, okay.

12 MR. WILSON: -- that he had not

13 given the Agency sufficient notice of what he

14 intended to introduce.

15 JUDGE LAYTON: Okay. And did you

16 -- did you provide the documentation to --

17 MR. JONES: I'm providing the --

18 I'm providing documentation now, actually

19 numbered and codified, you know, because last

20 time I basically was under a rush and

21 unprepared, so.

22 JUDGE LAYTON: Right, right,

Page 443

1 and get that.

2 What I'm going to do then, before

3 we admit those is --

4 MR. JONES: And the way I've like

5 -- I grouped them --

6 JUDGE LAYTON: Okay.

7 MR. JONES: -- by the actual

8 issues, what -- the difference issues of my

9 actual case, like is the actual -- the record

10 -- the actual Report of Investigation that is,

11 you know, totally incomplete all the time.

12 But like the bottom of the pages, they

13 actually group like the -- like, you know,

14 exhibit A -- Complainant exhibit A is

15 performance and appraisal; then exhibit B is

16 the reasonable accommodations; exhibit C is

17 the disparate treatment; exhibit D is the

18 retaliation and adverse -- adverse employment

19 decision; and F is the -- well, I guess the

20 ascended claims or the consolidation of the

21 claims or -- and then --

22 JUDGE LAYTON: And then behind --

Page 442

1 right, right. And so did you get them

2 numbered and get them to the --

3 MR. JONES: They're numbered.

4 actually.

5 JUDGE LAYTON: Okay.

6 MR. JONES: So this is your copy.

7 this is his

8 copy --

9 JUDGE LAYTON: Okay.

10 MR. JONES: -- and then I'll

11 introduce these into the -- the record as we

12 go along.

13 JUDGE LAYTON: What I'm going to

14 do is I'm going to hold off on admitting them,

15 let the Agency go ahead and flip through them

16 and see if there's anything that's different

17 than what you guys have previously seen, and

18 then if you can go ahead and give the copy to

19 me also, and then, Mr. Wilson, after you guys

20 have had a chance to review it then see if

21 there's any objections.

22 Yeah, Matt, you can just go ahead

Page 444

1 MR. JONES: And then one in

2 particular is the certification for class for

3 -- to be certified as a class or acting for a

4 class with respect to the -- the systematic,

5 you know, noncompliance of OIG with respect to

6 providing procedural safeguards inside of the

7 actual Office of Inspector General so people

8 who do have a disability, when they -- when

9 they request something there is a procedural

10 safeguard in place, you know, as established

11 by Executive Order 13116 --

12 JUDGE LAYTON: Okay. I haven't

13 seen any evidence to make this a class

14 complaint. There's not anybody that's been

15 identified as a class and you as -- and at

16 this late of date, I'm not certifying this

17 case as a class case. The case has got three

18 witnesses left.

19 I'm trying to look through this

20 though, from what you provided, and I don't

21 see where there's -- I've got Complainant

22 exhibit F to start --

Neal R. Gross & Co., Inc.
202-234-4433

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

Page 445	Page 447
<p>1 MR. JONES: Yeah, this -- this --</p> <p>2 JUDGE LAYTON: And then I've got</p> <p>3 Complainant's exhibit B, and then flips over</p> <p>4 again to Complainant's B --</p> <p>5 MR. JONES: Well, tell you what --</p> <p>6 JUDGE LAYTON: -- Complainant's B</p> <p>7 --</p> <p>8 MR. WILSON: Can I just interject</p> <p>9 one thing</p> <p>10 before --</p> <p>11 JUDGE LAYTON: Yes.</p> <p>12 MR. WILSON: -- we go too far down</p> <p>13 this road? Obviously we would need some time</p> <p>14 to look through this because I don't know what</p> <p>15 most of this stuff is. I will say that the</p> <p>16 very first exhibit in here, we discussed this</p> <p>17 during the hearing the last time. This is --</p> <p>18 this document that he provided, which says on</p> <p>19 the second page -- it's got a cover letter</p> <p>20 from the --</p> <p>21 MR. JONES: From the HHS --</p> <p>22 MR. WILSON: -- from the Deputy</p>	<p>1 Wilson, of that folder --</p> <p>2 JUDGE LAYTON: So --</p> <p>3 MR. WILSON: Well, I'm trying to</p> <p>4 show her this document. Where is this</p> <p>5 document?</p> <p>6 MR. PERCE: It's at the bottom of</p> <p>7 her folder.</p> <p>8 MR. JONES: You can -- you can --</p> <p>9 at the bottom it has the actual -- like I</p> <p>10 identified the actual link, so.</p> <p>11 JUDGE LAYTON: Okay. Because I</p> <p>12 don't have an exhibit A.</p> <p>13 MR. PERCE: It says 2.</p> <p>14 JUDGE LAYTON: Yeah, but see where</p> <p>15 it says Complainant exhibit A? I don't see</p> <p>16 where I have a Complainant exhibit A, unless</p> <p>17 it's in here. This is B. This one is labeled</p> <p>18 Complainant's B.</p> <p>19 Okay. I don't think I have -- I</p> <p>20 don't have the same documentation that Mr.</p> <p>21 Wilson has, because I don't have a</p> <p>22 Complainant's A.</p>
Page 446	Page 448
<p>1 Assistant Secretary --</p> <p>2 MR. JONES: Correct.</p> <p>3 MR. WILSON: -- for Human</p> <p>4 Resources, the second page says that it's the</p> <p>5 Department of --</p> <p>6 JUDGE LAYTON: I don't think I</p> <p>7 have the same thing that you guys have,</p> <p>8 actually, because my second page looks like</p> <p>9 this.</p> <p>10 MR. WILSON: My second page is</p> <p>11 this.</p> <p>12 (Comparing documents.)</p> <p>13 MR. JONES: The first --</p> <p>14 JUDGE LAYTON: That's not -- okay</p> <p>15 --</p> <p>16 MR. JONES: The first page is in</p> <p>17 the back. For his particular notebook, it's</p> <p>18 in the back because I didn't have time to hole</p> <p>19 punch it, but it's like -- but your first --</p> <p>20 his -- your first section is exactly the same.</p> <p>21 but it's just in the back of this particular</p> <p>22 folder. So if you flip to the back, Mr.</p>	<p>1 MR. WILSON: Well --</p> <p>2 MR. JONES: Complainant exhibit A</p> <p>3 the -- the performance plan, here it is.</p> <p>4 MR. WILSON: Yeah. Well, let me</p> <p>5 just -- let me just address this. You can</p> <p>6 look at --</p> <p>7 MR. PERCE: So this is your --</p> <p>8 MR. WILSON: I have a copy --</p> <p>9 MR. PERCE: Okay.</p> <p>10 MR. WILSON: The -- this document.</p> <p>11 JUDGE LAYTON: Okay. Okay, okay.</p> <p>12 Go ahead, Mr. Wilson.</p> <p>13 MR. WILSON: This document, we</p> <p>14 talked about during the last -- during the</p> <p>15 first day of the hearing. This document, if</p> <p>16 you look at page two, says it's the Department</p> <p>17 of Health and Human Services Performance</p> <p>18 Management Appraisal.</p> <p>19 JUDGE LAYTON: And this was</p> <p>20 photocopied and provided last time, wasn't it?</p> <p>21 MR. WILSON: Well, there's -- we</p> <p>22 provided a different version of this document</p>

Neal R. Gross & Co., Inc.
202-234-4433

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

Page 449	Page 451
<p>1 because this document does not apply to OIG.</p> <p>2 JUDGE LAYTON: Okay.</p> <p>3 MR. WILSON: And --</p> <p>4 JUDGE LAYTON: Okay.</p> <p>5 MR. WILSON: -- there is a</p> <p>6 separate OIG performance management appraisal</p> <p>7 program and that, in fact, is the document</p> <p>8 that we provided the last time, so I object to</p> <p>9 this.</p> <p>10 JUDGE LAYTON: It was provided and</p> <p>11 admitted.</p> <p>12 MS. COMBAY: Yes.</p> <p>13 MR. WILSON: It was.</p> <p>14 MS. COMBAY: It's an Agency</p> <p>15 exhibit.</p> <p>16 MR. JONES: That particular</p> <p>17 document -- this document is specific to the</p> <p>18 FCIP program, which is exhibit</p> <p>19 -- exhibit A, table of authority one. If you</p> <p>20 looked inside the, I guess you -- the FCIP</p> <p>21 program specifies the actual criteria for the</p> <p>22 actual program guidance that it actually uses.</p>	<p>1 Agency did not do. But however, the next is</p> <p>2 the PMP issue that he was referring to.</p> <p>3 JUDGE LAYTON: Okay.</p> <p>4 MR. JONES: And I've highlighted</p> <p>5 both for you guys, you know --</p> <p>6 JUDGE LAYTON: Okay</p> <p>7 MR. WILSON: Yeah. This --</p> <p>8 MR. JONES: And --</p> <p>9 JUDGE LAYTON: Go -- okay, go</p> <p>10 ahead, Mr. --</p> <p>11 MR. WILSON: This document, this</p> <p>12 HHS performance management program is not used</p> <p>13 for any OIG employee. We have our own plan.</p> <p>14 Mr. Jones' performance plan that was developed</p> <p>15 was developed in accordance with our program.</p> <p>16 not the HHS program.</p> <p>17 JUDGE LAYTON: Okay.</p> <p>18 MR. WILSON: And that's why we</p> <p>19 provided that document, to -- as an exhibit</p> <p>20 the last time.</p> <p>21 MR. JONES: This is the actual</p> <p>22 document that was given to, you know, expected</p>
Page 450	Page 452
<p>1 and I highlighted it on those two pages. That</p> <p>2 would be page -- page -- page 12 of PHAP. And</p> <p>3 it states, you know, somewhere -- and it's</p> <p>4 highlighted, that the performance evaluation</p> <p>5 should be in accordance with HHS PMP. Also</p> <p>6 there's a link in the second section to the</p> <p>7 actual -- to where I actually got the actual</p> <p>8 information from.</p> <p>9 JUDGE LAYTON: Okay. Let me make</p> <p>10 sure that the Agency has this.</p> <p>11 So what I'm looking at, Mr.</p> <p>12 Wilson, is what is labeled as the Federal</p> <p>13 Career Intern Program Handbook.</p> <p>14 MR. WILSON: I have that, as well.</p> <p>15 JUDGE LAYTON: Okay. And then</p> <p>16 what he's highlighted is page six of twenty-</p> <p>17 one.</p> <p>18 MR. JONES: That's the -- that's</p> <p>19 the individual development plan --</p> <p>20 JUDGE LAYTON: Okay.</p> <p>21 MR. JONES: -- which is supposed</p> <p>22 to be developed within 30 days, which the</p>	<p>1 to be, you know, rated by because this is the</p> <p>2 actual link to the actual HHS, you know --</p> <p>3 this particular handbook, you know, is</p> <p>4 designated for all -- for all organizations</p> <p>5 under HHS -- HHS, you know, which</p> <p>6 -- which includes the Office of Inspector</p> <p>7 General, which is actually under the -- well,</p> <p>8 this particular office is up under the Office</p> <p>9 of Secretary and -- I mean, I can --</p> <p>10 MR. WILSON: The -- the Office of</p> <p>11 Inspector General has its own -- has its own</p> <p>12 personnel authority so that it's not under the</p> <p>13 thumb of the Secretary, because we are</p> <p>14 supposed to be investigating things that</p> <p>15 conceivably might have to do with the</p> <p>16 secretary. That's why we have our own hiring</p> <p>17 authority, that's why we have our own</p> <p>18 performance plan.</p> <p>19 JUDGE LAYTON: Okay. Okay. Okay.</p> <p>20 Okay</p> <p>21 So do you understand what they're</p> <p>22 saying is that, because this is the Office of</p>

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202-234-4433

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

Page 453

1 Inspector General, they have their own plan,
2 they don't go by the general HHS plan, okay?
3 MR. JONES: I --
4 JUDGE LAYTON: Go ahead.
5 MR. JONES: I just wanted to say
6 for the record, I object. I'll keep providing
7 documentation like, you know, I have like --
8 matter of fact --
9 JUDGE LAYTON: Well, there isn't
10 any evidence that's been put forward that
11 their using the OIG plan versus this plan was
12 done to discriminate against you, okay. I
13 mean, there's a difference between somebody
14 doing something different than what you
15 expect, and then doing it with a
16 discriminatory motive. I don't see where
17 there's any evidence that the fact that they
18 used their own OIG plan instead of an HHS plan
19 was done to discriminate, or even how it could
20 be done to discriminate.
21 MR. JONES: Well, everyone else
22 uses the actual -- the -- the HHS, you know --

Page 454

1 everyone else uses the actual -- who is an
2 intern under the Office of Inspector General
3 through the Department of Health and Human
4 Services, you know, uses that particular --
5 for that particular program, you know,
6 specifically for the -- the PCIP program -- I
7 mean, the link to the actual document itself
8 was provided, you know --
9 JUDGE LAYTON: Do you have any
10 evidence that there was any other interns that
11 worked under OIG that were on a different
12 performance plan than you?
13 MR. JONES: I can provide a
14 document, you know, saying that the Office of
15 Inspector General has the PCIP program and it
16 complies to -- I can find that for you, I have
17 another --
18 JUDGE LAYTON: Okay. We need to
19 stay focused on the issues that I have before
20 me --
21 MR. JONES: Okay.
22 JUDGE LAYTON: -- which was that

Page 455

1 you were denied a reasonable accommodation and
2 that you were denied evaluations. You're
3 trying to get into extraneous issues of
4 different people. That is not an accepted
5 issue that I have, of whether or not they were
6 on -- the fact is is that you were put on a
7 performance plan that's under OIG, and there
8 has not been any claim until right this moment
9 that that somehow violated some sort of
10 accommodation that you needed, that you were
11 put on a performance plan under OIG. And I am
12 not going to, now today, on the second day of
13 the hearing, accept that as an issue, so I
14 don't see how any of it's relevant to the
15 accepted issue.
16 MR. JONES: The -- the accepted
17 issue that a performance evaluation and
18 termination --
19 JUDGE LAYTON: It was that you
20 were denied evaluations, not that you were put
21 on a different performance evaluation --
22 performance plan than other people

Page 456

1 MR. JONES: Okay.
2 JUDGE LAYTON: Okay? So we've got
3 to stay focused on the accepted issues that I
4 have. The accepted issues has to deal with
5 the fact that you said that you were denied
6 reasonable accommodations --
7 MR. JONES: Yeah.
8 JUDGE LAYTON: -- that you were
9 denied an evaluation before you left, and then
10 you were terminated, okay?
11 MR. JONES: Okay. With respect to
12 the reasonable accommodation, I was denied the
13 reasonable accommodation, you know, I was --
14 the management failed to, you know, properly,
15 you know, interact with me in the interactive
16 process by being flexible to actually provide
17 jobs or -- or provide, you know, the
18 modifications that were -- modification or
19 assistive technology devices that would enable
20 me to do my job.
21 JUDGE LAYTON: Let's get your
22 testimony on the record in regard to that.

Neal R. Gross & Co., Inc.
202-234-4433

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

Page 436

UNITED STATES OF AMERICA
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
ATLANTA DISTRICT OFFICE

In the Matter of:

MOSHEA JOHN JONES, EEOC No.
410-2011-00227X

Complainant, Agency No.
HHS-OS-0013-2010

v.
DEPARTMENT OF HEALTH
AND HUMAN SERVICES,
OFFICE OF INSPECTOR
GENERAL, OFFICE OF AUDITS
ATLANTA, GEORGIA

Respondent Agency.

Nunn Federal Center
61 Forsyth Street
Suite 3T12
Atlanta, Georgia

Friday, January 27, 2012

The above-entitled matter came on
for hearing, pursuant to Notice, at 9:29 a.m.

BEFORE:

HON. LANA LAYTON, Administrative Judge

Neal R. Gross & Co., Inc.
202-234-4433

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

<p>Page 437</p> <p>APPEARANCES:</p> <p>On Behalf of Complainant:</p> <p>MOSHEA JOHN JONES, 940 86</p> <p>On behalf of Respondent Agency:</p> <p>B. RYANGLON WILSON, Senior Counsel</p> <p>ALEXIS S. CUNYAS, Associate Counsel</p> <p>Office of Counsel to the Inspector General</p> <p>330 Independence Ave., SE</p> <p>Washington, DC 20521</p> <p>(202) 205-9212</p> <p>Also present:</p> <p>MATTHEW PERCE, Inquis</p> <p>RITA CHERRY, Interp</p>	<p>Page 438</p> <p>PROCEEDINGS</p> <p>JUDGE LAYTON: Okay. Let's go ahead and go on the record. It's the January 27th, 2012, and this is the continuation of the hearing of Moshea Jones versus the Department of Health and Human Services. Present is the group today is myself, Matthew Perce, who is one of my interns, Rita Cherry, one of my interns, Mr. Cunyas, Mr. Wilson, and Mr. Jones. Mr. Cunyas and Mr. Wilson represent the Agency. Mr. Jones is representing himself. We concluded the last day of testimony on Wednesday, November 2nd, 2011, and I believe because of the amount of time that it took us we did not get through all of the Agency's witnesses correct?</p> <p>MR. WILSON: That's correct.</p> <p>JUDGE LAYTON: So who do we still have today for the Agency?</p> <p>MR. WILSON: Well, there were two additional witnesses, Kimberly Simon, who was</p>
<p>Page 439</p> <p>CONTENTS</p> <p>WITNESSES, OBJECT CROSS EXAMINATION RECORDS</p> <p>Moshea Jones 839 839 839</p> <p>Kimberly Simon 818 818</p> <p>Erica Harris 847 847</p> <p>WITNESS:</p> <p>Agency</p> <p>11 - 1/26/2012 email 868 872</p> <p>11 - 2/26/2012 email 872 875</p> <p>11 - 2/27/2012 email 794 799</p> <p>11 - 2/28/2012 email 799 801</p> <p>Complainant</p> <p>2 - email 913</p> <p>3 - PUP handbook 872 877</p>	<p>Page 440</p> <p>... who served as the auditor in charge in several projects that Mr. Jones worked on, and then also Erica Harris, who is a supervisory IT specialist.</p> <p>JUDGE LAYTON: All right. And then the complainant also is going to be testifying today.</p> <p>And, Mr. Jones, what I'm going to do, I believe, is have you testify first.</p> <p>MR. JONES: Okay.</p> <p>JUDGE LAYTON: ... and did you have any ... I didn't know if you have anything that you ...</p> <p>MR. JONES: I wanted to ...</p> <p>JUDGE LAYTON: Go ahead.</p> <p>MR. JONES: I wanted to, I guess, introduce the bulk of my exhibits into the ...</p> <p>JUDGE LAYTON: Into the record.</p> <p>MR. JONES: ... into the record.</p> <p>JUDGE LAYTON: Now, did we do that last time? Because I was thinking that I said that I was going to admit them. Was it that</p>

Neal R. Gross & Co., Inc.
202-234-4433

<p>Page 441</p> <p>... we didn't actually do it?</p> <p>MR. WILSON: No.</p> <p>MR. JONES: Go ahead.</p> <p>JUDGE LAYTON: Go ahead, go ahead.</p> <p>MR. WILSON: Sorry. I think what we said was when ... there was a discussion about this because of the way in which Mr.</p>	<p>Page 442</p> <p>... and get that.</p> <p>What I'm going to do then before we admit those is ...</p> <p>MR. JONES: And the way I've like ... I grouped them ...</p> <p>JUDGE LAYTON: Okay.</p> <p>MR. JONES: ... by the actual</p>
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[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

<p>1 Jones provided his exhibits at the ten 2 minute, some as much as an hour or so before 3 the hearing started -- 4 5 JUDGE LAYTON: Right, okay. 6 MR. WILSON: ... that he had not 7 given the Agency sufficient notice of what he 8 intended to introduce. 9 10 JUDGE LAYTON: Okay. And did you 11 ... did you provide the documentation to -- 12 MR. JONES: I'm providing the -- 13 I'm providing documentation now, actually 14 numbered and sorted, you know, because last 15 time I basically was under a great deal 16 unprepared, so -- 17 18 JUDGE LAYTON: Right, right.</p>	<p>9 however, what -- the difference between my 10 actual case, like in the actual -- the record 11 -- the actual report of investigation that is 12 you know, totally incomplete all the time. 13 But like the bottom of the pages, they 14 actually group like the -- like, you know, 15 exhibit A -- Complainant exhibit A is 16 performance and appraisal; then exhibit B is 17 the reasonable accommodations; exhibit C is 18 the disparate treatment; exhibit D is the 19 retaliation and adverse -- adverse employment 20 decision; and E is the -- well, I guess the 21 amended claims of the consolidation of the 22 claims -- and then -- 23 24 JUDGE LAYTON: And then behind --</p>
Page 442	Page 443
<p>1 right, right. And so did you get them 2 numbered and put them to the 3 4 MR. JONES: They're numbered. 5 actually. 6 JUDGE LAYTON: Okay. 7 MR. JONES: So this is your copy. 8 this is his 9 copy. 10 JUDGE LAYTON: Okay. 11 MR. JONES: ... and then I'll 12 introduce these into the -- the record so we 13 go along. 14 15 JUDGE LAYTON: What I'm going to 16 do is I'm going to hold off on admitting these. 17 let the Agency go ahead and flip through these 18 and see if there's anything that's different 19 than what you guys have previously seen, and 20 then if you can go ahead and give the copy to 21 me also; and then, Mr. Wilson, after you guys 22 have had a chance to review it then see if 23 there's any objections. 24 25 Yeah, well, you can just go ahead</p>	<p>1 MR. JONES: And then one is 2 particular is the certification for class for 3 -- to be certified as a class or acting for a 4 class with respect to the -- the systematic, 5 you know, noncompliance of GAO with respect to 6 providing procedural safeguards inside of the 7 actual Office of Inspector General so people 8 who do have a disability, when they -- when 9 they request something there is a procedural 10 safeguard in place, you know, as established 11 by Executive Order 13146. 12 13 JUDGE LAYTON: Okay. I haven't 14 seen any evidence to make this a class 15 complaint. There's not anybody that's been 16 identified as a class and you are -- and at 17 this late of date, I'm not certifying this 18 case as a class case. The case has got three 19 witnesses left. 20 21 I'm trying to look through this 22 though, from what you provided, and I don't 23 see where there's -- I've got Complainant 24 exhibit F to start --</p>

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202-234-4433

<p>1 MR. JONES: Yeah, this -- this 2 JUDGE LAYTON: And then I've got 3 Complainant's exhibit B, and then flip over 4 again to Complainant's B -- 5 6 MR. JONES: Well, tell you what -- 7 JUDGE LAYTON: ... Complainant's B 8 9 MR. WILSON: Can I just interrupt 10 one thing 11 before -- 12 JUDGE LAYTON: Yes. 13 MR. WILSON: ... we go too far down 14 this road? Obviously we would need more time 15 to look through this because I don't know what</p>	<p>1 Wilson, of that folder -- 2 JUDGE LAYTON: Oh -- 3 MR. WILSON: Well, I'm trying to 4 show her this document. Where is this 5 document? 6 7 MR. PENCE: It's at the bottom of 8 her folder. 9 10 MR. JONES: You can -- you can -- 11 at the bottom it has the actual -- list of 12 identified the actual link, so. 13 14 JUDGE LAYTON: Okay. Because I 15 don't have as exhibit A. 16 17 MR. PENCE: It says I 18 19 JUDGE LAYTON: Yeah, but now where</p>
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[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

15	most of this stuff is. I will say that the	25	it says Complaint exhibit A. I don't see
16	very first exhibit is here, we discussed this	26	where I have a complaint exhibit A, which
17	during the hearing the last time. This is --	27	it's in here. This is B. This one is labeled
18	this document that he provided, which says on	28	Complaint's B.
19	the second page -- it's got a cover letter	29	Okay. I don't think I have -- I
20	from the --	30	don't have the same documentation that Mr.
21	MR. JONES: From the HHS --	31	Wilson has because I don't have a
22	MR. WILSON: -- From the Deputy	32	Complaint's A.
Page 446		Page 447	
1	Assistant Secretary	1	MR. WILSON: Well --
2	MR. JONES: Correct.	2	MR. JONES: Complaint exhibit A
3	MR. WILSON: -- For March	3	the -- the performance plan, here it is.
4	Secretary. The second page says that it's the	4	MR. WILSON: Yeah. Well, let me
5	Department of --	5	just -- let me just address this. You can
6	JUDGE LAYTON: I don't think I	6	look at --
7	have the same thing that you guys have	7	MR. JONES: So this is your --
8	actually, because my second page looks like	8	MR. WILSON: I have a copy --
9	this.	9	MR. JONES: Okay.
10	MR. WILSON: My second page is	10	MR. WILSON: This -- this document.
11	this.	11	JUDGE LAYTON: Okay. Okay, okay.
12	Comparing documents --	12	Go ahead, Mr. Wilson.
13	MR. JONES: The first --	13	MR. WILSON: This document, we
14	JUDGE LAYTON: That's not -- okay	14	talked about during the last -- during the
15	--	15	first day of the hearing. This document, if
16	MR. JONES: The first page is in	16	you look at page two, says it's the Department
17	the back. For his particular notebook it's	17	of Health and Human Services Performance
18	in the back because I didn't have time to hole	18	Management Appraisal.
19	punch it but it's like -- but your first --	19	JUDGE LAYTON: And this was
20	his -- your first section is exactly the same	20	photocopied and provided last time, wasn't it?
21	but this just in the back of this particular	21	MR. WILSON: Well, sure -- we
22	folder. So if you flip to the back, Mr.	22	provided a different version of this document

Neal R. Gross & Co., Inc.
202-234-4433

Page 449		Page 450	
1	because this document does not apply to OIG.	1	Agency did not do. But however, the next is
2	JUDGE LAYTON: Okay.	2	the WFO issue that he was referring to.
3	MR. WILSON: And --	3	JUDGE LAYTON: Okay.
4	JUDGE LAYTON: Okay.	4	MR. JONES: And I've highlighted
5	MR. WILSON: -- there is a	5	text for you guys, you know --
6	separate OIG performance management appraisal	6	JUDGE LAYTON: Okay.
7	program and that, in fact, is the document	7	MR. WILSON: Yeah. This --
8	that we provided the last time, we I object to	8	MR. JONES: And --
9	this.	9	JUDGE LAYTON: Go -- okay, go
10	JUDGE LAYTON: It was provided and	10	ahead, Mr. --
11	exhibited.	11	MR. WILSON: This document, this
12	MR. JONES: Yes.	12	OIG performance management program is not used
13	MR. WILSON: It was.	13	for any OIG employee. We have our own plan.
14	MR. JONES: It's an Agency	14	Mr. Jones' performance plan that was developed
15	exhibit.	15	and developed in accordance with OIG program,
16	MR. JONES: That particular	16	not the HHS program.
17	document -- this document is specific to the	17	JUDGE LAYTON: Okay.
18	FCIP program, which is exhibit	18	MR. WILSON: And that's why we
19	-- exhibit A, table of authority one. If you	19	provided that document, to -- as an exhibit
20	looked inside the, I guess you -- the FCIP	20	the last time.
21	program specifies the actual criteria for the	21	MR. JONES: This is the actual
22	document and that's why it's not used.	22	document that was provided to the hearing.

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

Page 450	Page 451
1 and I highlighted it on those two pages. That	1 to do, you know, rated by because that is the
2 would be page -- page 11 of PMR. And	2 actual link to the actual HHS, you know --
3 it states, you know, somewhere -- and it's	3 this particular handbook, you know, is
4 highlighted, that the performance evaluation	4 Assigned for all -- for all organizations
5 should be in accordance with HHS HR. Also	5 under HHS -- HHS, you know, which
6 there's a link in the second section to the	6 -- which includes the Office of Inspector
7 actual -- to where I actually got the actual	7 General, which is actually under the -- well,
8 information from.	8 this particular office is up under the Office
9 JUDGE LAYTON: Okay. Let me make	9 of Secretary and -- I mean, I can
10 even that the Agency has this.	10 -- Mr. Wilson. The -- the Office of
11 No what I'm looking at, Mr.	11 Inspector General has its own -- had its own
12 Wilson, is what is located in the Federal	12 personnel authority so that it's not under the
13 Career Skills Program Handbook	13 think of the Secretary, because we are
14 MR. JONES: I have that, as well.	14 supposed to be investigating things that
15 JUDGE LAYTON: Okay. And this	15 conceivably might have to do with the
16 what he's highlighted in page six of twenty	16 secretary. That's why we have our own hiring
17 one.	17 authority, that's why we have our own
18 MR. JONES: That's the -- that's	18 performance plan.
19 the individual development plan --	19 JUDGE LAYTON: Okay. Okay. Okay.
20 JUDGE LAYTON: Okay.	20 Okay.
21 MR. JONES: -- which is supposed	21 to do you understand what they're
22 to be developed within 30 days, which the	22 saying is that because this is the Office of

Neal R. Gross & Co., Inc.
202-234-4433

Page 453	Page 455
1 Inspector General, they have their own plan.	1 you were denied a reasonable accommodation and
2 they don't go by the general HHS plan, okay?	2 that you were denied evaluation. You're
3 MR. JONES: I --	3 trying to get into extraneous issues of
4 JUDGE LAYTON: Go ahead.	4 different people. That is not an accepted
5 MR. JONES: I just wanted to say	5 issue that I have, of whether or not they were
6 for the record, I object. I'll keep providing	6 on -- the fact is is that you were put on a
7 documentation like, you know, I have like --	7 performance plan that's under OIG, and there
8 matter of fact --	8 has not been any claim until right this moment
9 JUDGE LAYTON: Well, there isn't	9 that that somehow violated some sort of
10 any evidence that's been put forward that	10 accommodation that you needed, that you were
11 they're using the OIG plan versus the plan now	11 put on a performance plan under OIG and I am
12 done to discriminate against you, okay? I	12 not going to, now today, on the second day of
13 mean, there's a difference between somebody	13 the hearing, except that as an issue, so I
14 doing something different than what you	14 don't see how any of it's relevant to the
15 expect, and then doing it with a	15 accepted issue.
16 discriminatory motive. I don't see where	16 MR. JONES: The -- the accepted
17 there's any evidence that the fact that they	17 issue that a performance evaluation and
18 used their own OIG plan instead of an the plan	18 immediate --
19 was done to discriminate, or even how it could	19 JUDGE LAYTON: It was that you
20 be done to discriminate.	20 were denied evaluations, not that you were put
21 MR. JONES: Well, everyone else	21 on a different performance evaluation --
22 uses the actual -- the -- the HHS, you know --	22 performance plan than other people.

Page 454	Page 456
1 everyone else uses the actual -- who is ex-	1 MR. JONES: Okay.
2 interview under the Office of Inspector General	2 JUDGE LAYTON: Okay? So we've got
3 through the Department of Health and Human	3 to stay focused on the accepted issue that I
4 Services, you know, was that particular --	4 have. The accepted issue has to deal with
5 for that particular program, you know,	5 the fact that you said that you were denied

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

6	specifically for the the PCIP program ... I	6	reasonable accommodations
7	mean, the link to the actual document itself	7	NO JONES: Yes.
8	was provided, you know --	8	JUDGE LAYTON: ... that you were
9	JUDGE LAYTON: Do you have any	9	denied an evaluation before you left, and then
10	evidence that there was any other interest that	10	you were terminated, okay?
11	worked under OIG that were on a different	11	NO JONES: Okay. With respect to
12	performance plan than you?	12	the reasonable accommodation, I was denied the
13	NO JONES: I can provide a	13	reasonable accommodation, you know, I was
14	document, you know, saying that the Office of	14	the management failed to, you know, properly,
15	Inspector General has the PCIP program and it	15	you know, interact with me in the interactive
16	emplies to ... I can find that for you. I have	16	process by being flexible to actually provide
17	another --	17	jobs or -- or provide you know, the
18	JUDGE LAYTON: Okay. We need to	18	modifications that were -- modification of
19	stay focused on the issues that I have before	19	assistive technology devices that would enable
20	me --	20	me to do my job.
21	NO JONES: Okay.	21	JUDGE LAYTON: Let's get your
22	JUDGE LAYTON: ... which was that	22	testimony on the record in regard to that.

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202-234-4433

ALSO ANOTHER MAJOR ISSUSE concerning class complaint:

Perhaps the Department of Health and Human Services (DHHS) Office of the Secretary (OS) of the United States of America Freedom of Information Act (FOIA) division is attempting to split [or have spun off a particular portion of the] FOIA Request 2011 -1282MT into several parts, and as such, new and separate FOIA request(s), or, perhaps NOT; nevertheless, neither FOIA Request(s) 2014-0825, 2013-0962GD, nor FOIA Request 2011-1282 has been completed, yet alone [being] processed promptly, professionally, or in any sort of an efficient manner; and therefore another reason for this Credo Of Appeal .

FOIA Request(s) that have not been fulfilled in accordance with 5 U.S.C. § 552 are as follows:

2011 -1282MT

2013-0962GD

2014-0825

This draft notice is prepared in accordance with the following statement:

Title VII/Exhaustion of Administrative Remedies

If a claim amplifies, clarifies or more clearly focuses the allegations in an EEOC charge, it is reasonably related to the EEOC charge.

Allegations of a different type of discrimination are not reasonably related to those in an EEOC charge unless the allegations supporting the new type of discrimination can be inferred from the facts contained in the EEOC charge. Benally v. San Juan Coal Co., 02cv1064, May, 2004.

AND 42 U.S.C. § 1987 because were talking about me enforcing my Law-enforcement contract HHS-OIG-0077

P.S. : I know there are other issues like that which is shown below

Whether the appellate tribunal erred in concluding date of formal filing of Agency EEO Compliant HHS-OS-0013-2010 to be April 6, 2010 rather than Feburay 16, 2010 that which Acknowledgement Letter dictates; in its decision dated Dec 12 , 2012 to consolidate Appeal No. 0120122573, Agency No. HHS-OS-0013-2010 and Appeal No. 0120122702, Agency No. HHS-OS-0034-2010 for joint processing pursuant to 29 C.F.R. § 1614.606.

Has OIG law enforcement agents PJB and BCJ deprived the Appellant THEN Complainant, Region IV (OIG/DHHS/OAS) Information Technology Auditor, M. John Jones of liberty, that which is enumerated in the Inspector General Act of 1978 without due process law; in violation of 42 U.S.C. §§ 1981-1987; 2000ff-4; 2000ff-6?

Was Appellant THEN Complainant, Region IV (OIG/DHHS/OAS) Information Technology Auditor, M. John Jones, denied and/or not facilitated approved Federal Acquisition Regulation (FAR) 39.2 compliant, reasonable Electronic Information & Technology (EI&T) accommodation(s)/workplace modifications procured by

accommodations, workplace accommodations, provided by Department of Defense (DoD) with Federal funds via interagency Computer Electronic Accommodations Program (CAP) agreement with DHHS, making [Sec 504.] 29 U.S.C. § 794 applicable and that which [Sec. 508] 29 U.S.C. § 794d requires OIG/DHHS to facilitate under 36 C.F.R. 1194(c),

that which was 42 U.S.C. § 1982

42 U.S.C. § 2000ff-4

shall be of the Rehabilitation Act of 1973, as amended,

specifically recommended by DoD's Computer/Electronic Accommodations Program (CAP) for the Appellants genetic Attention Deficit Disorder/Attention Deficit Hyper-activity Disorder (ADHD) and associated learning dyslexia that would enable the Appellant to better achieve results, collaborate more effectively with others, and improve written and oral communications with respect to effectuating the Appellant's appointment as a Auditor of Information Technology for the Office of Inspector General (OIG) and its mission—TO COMBAT, WASTE, FRAUD, AND ABUSE; when his Manager, Region IV (OIG/DHHS/OAS) Audit IT/AATS Manager, Brian C. Johnson continuously refused Appellant— A academically superiorly qualified schedule B hire with ADHD—a learning disability—the installation of various reasonable accommodation(s)?

Has the Appellant's Manager, Region IV (OIG/DHHS/OAS) Audit Information Technology&Advanced Audit Technique Specialist (IT/AATS) Manager, Brian C. Johnson & Appellant's Supervisor, Region IV (OIG/DHHS/OAS) Regional Inspector General for Audit Services (RIGAS),

Peter J. Barbera discriminated against appellant when they failed to remain actively engaged in interactive process to determine appropriate reasonable accommodations?

REARTICULATED: THE MISSION OF OIG/OAS INFORMATION TECHNOLOGY AUDIT TEAM, SPECIFICALLY REGION IV, IS TO "APPLY AN EXPERT KNOWLEDGE OF INFORMATION SECURITY CONTROLS TO AUDITS OF DHHS PROGRAMS, OPERATIONS, GRANTEEES, AND CONTRACTORS WITHIN REGION IV" AND "REVIEW THE MAINTENANCE OF COMPUTER-BASED SYSTEMS THROUGH THE CONDUCT OF COMPREHENSIVE AUDITS OF GENERAL SECURITY AND APPLICATION SPECIFIC CONTROLS."

THE APPELLANT IS QUALIFIED, IF NOT SUPERIORLY QUALIFIED TO EXECUTE THE TERMS OF HIS APPOINTMENT. WAS ANY OF THE FOLLOWING ACTIONS OR DECISIONS BASED IN DISABILITY DISCRIMINATION WITH RESPECT TO APPELLANT'S FEDERAL CAREER INTERNSHIP PROGRAM EXPERIENCE: Job Assignments & Promotions, Pay And Benefits, Discipline & Discharge, Employment References to 'Federal Reserve Bank' of Atlanta, Reasonable Accommodations.

HOWEVER;

"it would seem anomalous . . . to think congress intended no retaliation protection for employees who request a reasonable accommodation unless they also. file a formal charge. this would leave employees unprotected if an employer granted the accommodation and shortly thereafter terminated the employee in retaliation."

Soileau v. Guilford of Maine, 105 f.3d 12, 16 (1st cir. 1997). see also Garza v. Abbott laboratories, 940 f. supp. 1227, 1294 (n.d. ill. 1996) (plaintiff engaged in statutorily protected expression by requesting accommodation for her disability). the courts in soileau and garza only considered whether accommodation requests fall within the opposition or participation clause in section 503(a) of the ada. note, however, that section 503(b) more broadly makes it unlawful to interfere with "the exercise or enjoyment of . . . any right created or protected" by the statute.

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

Respectfully submitted,
Moshea (John) Jones

From here in the capital of the South Atlanta, Georgia (the shining city on the hill, that which withstands oceans), which is important because the state of Georgia was established 1776 and my states rights have been violated with respect to this case; and states rights of Florida why I was there on an OIG American Recovery and Reinvestment Act audit at the University of Florida, which as I mentioned above, more details will be provided in the electronic submission upload forthcoming.

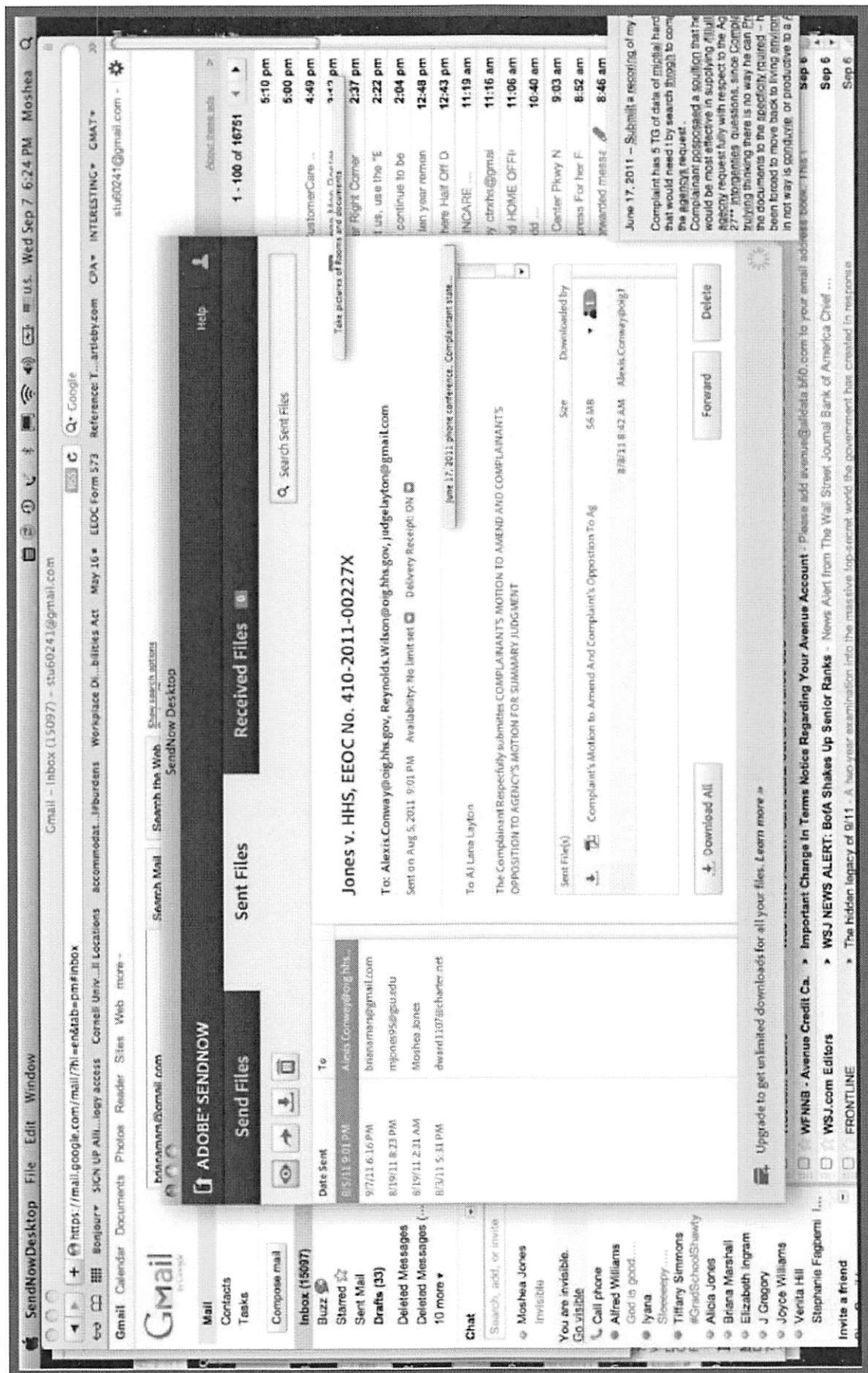
NOTE: the U.S. Government was established 1789

Additionally, I, like Justice O'Connor believed that ONLY Direct evidence can induce a mixed motives complaint; I have a mixed motives Title VII case and as I mentioned before, details will be provided in the electronic submission upload forthcoming.

Complainant's Motion to Amend and Complainant's Opposition to Agency's Motion for Summary Judgement SENT August 5, 2011 opened by Agency, unopened by Trial Judge AJ Lanna Layton .pdf



Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency



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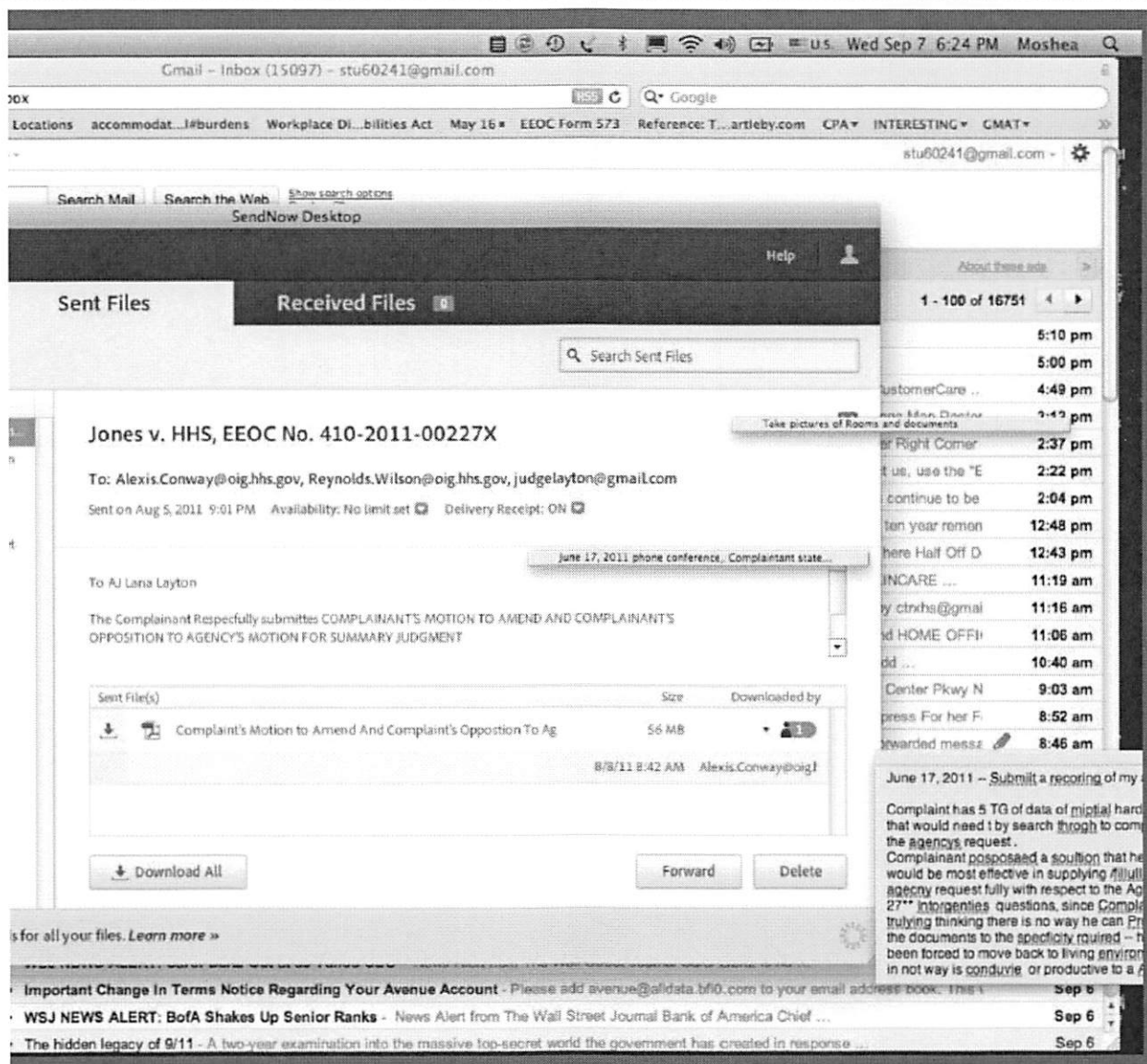
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Pages to be set soon with regard to Appellant brief (see Table of Content shown/inserted below in accordance with Fed. R. Evid. 803(5)),... the Appellant's brief will be under 1,400 pages and will be less than 14,000 words from the issue section to the conclusion section of the brief... Perhaps 750+ pages of the brief is comprised of Fed. R. Evid. 803(5) recorded recollection and memorandum.

TABLE OF CONTENTS

Certificate of Interested Persons and Corporate Disclosure Statement.....	
Statement Regarding Oral Argument.....	
Table of Citations	xliii
Statement of Subject Matter and Appellate Jurisdiction	45
Statement of the Issues.....	55
Statement of the Case.....	336
Statement of Facts.....	354
Statement of Related Cases and Proceedings	
Statement of the Standard or Scope of Review	933
Summary of the Argument.....	976
Argument:.....	980
I DEPRIVAL OF THAT WHICH IS FUNDAMENTAL AND INDISPENSABLE TO ONE'S ABILITY TO REDRESS AND HAVE CURED INJUSTICE—COMPLAINTS' OF DISCRIMINATION & RETALIATION; INJURES ONE'S RIGHT OF ACCESS TO JUSTICE—DENIES 'DUE PROCESS'	980
A. HHS Office of Secretary EEO official(s) intentional vitiation of notice of right to appeal its federal executive agency action and/or dismissal of complaint of Prohibited Personnel Practices (PPP)'s to either MSPB or EEOC; or petition a federal court, endangers my enumerated "Bill of Rights" guaranteed by the republic for which it stands one nation under God, with liberty and justice for ALL... {TIME & PLACE: WORLD WAR III, the "Constitution of the United States" is the Law of the Land herein the United States [of America]}	980
B. Malice fragmentation of claims requires the Right-remedy gap in constitutional law 42 U.S.C. §§ 1981-1987; "this point is dispositive of the issue to reverse/vacate Equal Employment Opportunity Commission Atlanta District Office Administrative Trial Judge, Hon. Lana Layton's 11 th of April 2012 decision, and investigate ALL Appellant's claims {THAT WERE AND/OR ARE STILL ARE FRAGMENTED (see agency EEO Compliant(s): HHS-OS-0013-2010; HHS-OS-0034-2010), both filed timely, [however, the latter also being of the realm of MSPB was vitiated by the United States HHS	

[Appeal and/or] Agency Review No. 16-10945**Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency**

Agency's OS EEO Compliance Office] and so we do not have to consider the other interesting issues/questions presented and arguments made"980

C. Malice fragmentation of claims requires the Right-remedy gap in constitutional law 42 U.S.C. §§ 1981-1987 this point is dispositive of the issue to reverse/vacate Equal Employment Opportunity Commission Atlanta District Administrative Trial Judge Lana Layton's 11th of April 2012 decision, and investigate ALL Appellant's claims {THAT WERE AND/OR ARE STILL ARE FRAGMENTED (see agency EEO Complaint(s): HHS-OS-0013-2010; HHS-OS-0034-2010) <both filled timely>, <however, the latter, a being a MSPB-violated by the Agency's OS EEO Compliance Office }.....981

D. The Appellant made timely motion for class certification under EEOC administrative magistrate rules 29 C.F.R. § 1614.204(b) and Fed. R. Civ. P. Rule 23 during 2nd day of EEOC Hearing No. 410-2011-00227X Agency EEO Complaint No. HHS-OS-0013-2010; "I'm not certifying this case as a class case" is the bench ruling of Hon. Lana Layton, U.S. EEOC Atlanta District Office administrative trial judge, on this determination, however, Fed. R. Civ. P. Rule 23(f) substantive due process right to appeal such determination is deprived when no order of decree from Hon. Lana Layton exist either granting or denying class action certification; in violation of Fed. R. Civ. P. Rule 23(c)(1)(A). "Fed. R. Civ. P. 23(f) is clear and unambiguous as to its application. Only those orders granting or denying class certification may be pursued in the appellate courts immediately." 981

E. Section 1614.108(b), of Title 29 C.F.R., requires that "the agency shall develop an impartial and appropriate factual record upon which to make findings on the claims raised by the written complaint." An appropriate factual record is one that allows a reasonable fact finder to draw conclusions as to whether discrimination occurred... IF the HHS/OS/EEO did not include in 'Record Of Investigation' (ROI),... the full performance appraisal/evaluation that indicate(s) that a Merit System Protection Board violation by OIG/DHHS/OS management, specifically by, THEN Region IV (HHS/OIG/OS/OAS) Regional Inspector General for Audit Services, Peter J. Barbera, and, Region IV (HHS/OIG/OS/OAS) Advanced Audit Technique Specialist & Information Technology Audit Manager, Brian C. Johnson, has/had occurred,... how has not a conspiracy to discriminate between the Agency's OS/EEO compliance unit and the Agency's OIG Management within the Agency's OS ...occurred against Americans with disability/disabilities, when taken in-together with the Agency's OS non-compliance with the No FEAR Act web-posting requirement(s), that which, invalidates the No FEAR Act record(s) kept by the United States EEOC OFO,... occurred.... ALL of which is in violation of 42 U.S.C. § 1985; 42 U.S.C. § 2000ff-6, 2000ff-4; 5 U.S.C. § 2302(b)... that must certify issues

xxxviii

into questions, if permissible by the Law to the Supreme Court of the United States?	981
F. SuConstructive Discharge/Forced To Resignb-point aaaa	982
G. Sub-point dddd	982
II. EQUAL PROTECTION CLAUSE = 's EQUAL PROTECTION OF THE LAWS OF THE LAND [14 TH AMENDMENT (1868)]	982
A. Title VII, of the 1964 Civil Rights Act, protect against pattern and practice discrimination, that which, would include a pattern and practice of disability employment discrimination occurring by the United States Department of Health and Human Services Agency's Office of Secretary [against Americans with disability/disabilities]	982
B. The Agency has NOT and CANNOT point to the so-called interigty rule Pre-Employment Inquiries and Medical Questions & Examinations	982
C. Pre-Employment Inquiries and Medical Questions & Examinations SubDDD-point 2	982
D. The Agency has NOT and CANNOT point to the so-called interigty rule the Appellant THEN Office of Inspector General (OIG) Department of Health and Human Services (HHS), Office of the Secretary (OS), Office of Audit Services, Region IV, Information Technology Auditor Law-enforcement official, M. John Jones violated/broken,however, I have in this credo pointed out the integrity GAO Yellow book ... <<point to the rule>> that Kimberly Dixon Has broken ... against the trust of the American people...WHAT WORKPLACE RULES HAVE THE APPELLANT BROKEN...? THUS FAR, THE AGENCY'S ARGUMENT IS "THERE ARE THINGS WE KNOW THAT WE KNOW. THERE ARE KNOWN UNKNOWN. THAT IS TO SAY THERE ARE THINGS THAT WE NOW KNOW WE DON'T KNOW, BUT THERE ARE ALSO UNKNOWN UNKNOWN. THERE ARE THINGS WE DO NOT KNOW WE DON'T [KNOW]"	982
III. I AM THE LAW OF THE LAND; AND THE LAND OF LAW: IS LAW; [42 U.S.C. §§ 1981-1987] IF NO PERSON SHALL BE DEVPIVED OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW [[5 TH AMENDMENT (1791)] & 14 th AMENDMENT EQUAL PROTECTION CLAUSE = EQUAL PROTECTION(S) UNDER THE LAND OF LAW (1868)]	983
A. The Office of Inspector General for the Department of Health and Human Services STILL has not facilitated the Appellant THEN Complainant, Region IV (OIG/DHHS/OS/OAS) Information Technology Auditor, M. John Jones's, FAR 39.2 compliant, approved reasonable Electronic Information & Technology (EIT) accommodations/workplace modifications purchased by the Department of Defence Computer-electronics Accommodation Program (DoD/CAP) that the Law [29 U.S.C. § 794d; 42 U.S.C. § 1982; and E.O. 13164] require MUST be facilitated, when the Agency has provided no undue burden exception certificate	

[Appeal and/or] Agency Review No. 16-10945**Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency**

[under 36 CFR Part 1194.4 and FAR 39.204(e)] signed by either OIG or the Agency's Office of the Secretary 508 official that would exempt the Appellant's Manager and/or the Appellant's Supervisor, both, OIG law enforcement audit agents, from not complying with 36 CFR Part 1194.3(c) electronic and information technology accessibility standards.

983

B. No person should be subjugated to, or, subjected to a status quo merely because of the characteristics of having a disability without giving first, that individual an equal opportunity Because Section 508 [29 U.S.C. § 794d] requires federal agencies to ensure that the EIT they develop, procure, maintain, or use is accessible to and usable by individuals with disabilities requiring such reasonable Electronic Information Technology accommodation(s)/Workplace modification(s) who are employees!.....

983

C. Agency CANNOT negate its failure obligating its Agency to install ~~ertification from this appellant tribunal in accordance with 28 U.S.C. § 1254(2) is [hereby] sought. From February 16, 2010 until December 12, 2012 the Appellate's complaints [HHS-OS-0013-2010 & HHS-OS-0034-2010] have been fragmented and will or should be given at least that amount of time to write or submit a brief and evidency~~.....

984

D. Incomplete Record of Investigation (ROI).....

984

IV. OBJECTIONS & OTHER MATTERS OF CONCERN(S) RELATIVE TO ANY DECISION TO REVERSE/VACATE/REMAND EEOC OFO ADMINISTRATIVE TRIAL JUDGE LANA LAYTON APRIL 11th, 2012 DECISION AND INVESTIGATE ALL CLAIMS THAT WERE NOT INVESTIAGTED DUE TO AGENCY EEO fragmentation of 8 original claims having ALSO "MSPB" [5 C.F.R. § 1201.3] jurisdiction [& "OSC" [5 U.S.C. § 2302(b)(12) jurisdiction]; which was intentional AND CONSTITUTES a furtherance OF conspiracy to discriminate AGAINST Americas with disability/disabilities IN VIOLATION OF 42 U.S.C. § 1985; 5 U.S.C. § 2302(b)(4); 5 U.S.C. § 2302(b)(9)(A).....

984

A. MOTION TO EXCLUDE AGENCY GENERAL COUNSEL [DHHS/OS/OIG] SUBMISSION IN BAD FAITH DURING 1st DAY OF INITIAL FACT-FINDER [AJ] HEARING 12b & MOVE THAT IT BE STRICKEN FROM THE RECORD SO AS NOT TO BE PRESENTED & CONFUSED WITH THE ISSUE, ALSO BROUGHT BY APPELLANT, OF, INCOMPLETE RECORD OF INVESTIGATION BY AGENCY EEO [DHHS/OS/EEO] COMPLIANCE DIVISION ~Pre-Employment Inquiries and Medical Questions & Examinations

984

B. Because of Appellant's genetic Attention Deficit Disorder/Attention Deficit Hyper-activity Disorder (ADD/ADHD) and being prescribed Adderall XR, a control level II (CII) stimulant, the Appellant was subjugated to additional medical release associated with OPM Standard Form 86 that expired one year from date of electronic signature, on 06/11/2009, releasing such information to conduct a national background investigation,

xl

[Appeal and/or] Agency Review No. 16-10945**Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency**

which means in 2011, without any medical release consent nor authorization from appellant, to cover-up its client(s) THEN Region IV (OIG/HHS/OS/OAS) Regional Inspector General for Audit Services, Peter J. Barbera and Region IV (OIG/HHS/OS/OAS) Advance Techniques & Information Technology Audit Manager, Brian C. Johnson, merits system rule violation(s) and 42 U.S.C. § 2000ff-6 violation, the OCIG directed the Agency's Federal Occupational Health Services to conduct an unlawful medical evaluation disguised as a pre-employment medical questionnaire/examination to OCIG's hired medical experts in violation of HIPPA, to deceive United States federal Courts Of Appeals and the American taxpayer(s) that the United States Department of Health and Human Services Office of the Secretary is the model disability employer when it has yet STILL NOT facilitated the Appellants reasonable electronic information technology accommodations/workplace modifications conveyed/purchased by Department of Defence.....1057

C. Evidentiary matter of DHHS Agency's Counsel/(Office of Counsel to the Inspector General)(OCIG) Fed. R. Civil P. 56(h) knowingly, bad faith submission of fraudulent, and, misleading 'Performance Management Appraisal Program' (PMAP) instructions non-applicable to Appellant THEN Complainant, Region IV (OIG/HHS/OS/OAS) Information Technology Auditor Law-enforcement official, M. John Jones, since new instructions had been issued superseding those introduced by Agency's OIG Management officials [(OIG/DHHS/OS/OCIG) Deputy Branch Chief {advisor} THEN Senior Counsel Reynolds Wilson and/or (OIG/HHS/OS/OCIG) Senior Counsel Alexis S. Conway THEN Associate Counsel and/or THEN Region IV (OIG/HHS/OS/OAS) Regional Inspector General for Audit Services, Peter J. Barbera and/or Region IV (OIG/HHS/OS/OAS) Advance Techniques & Information Technology Audit Manager, Brian C. Johnson,] to its medical expert(s)/witnesses in violation of Fed. R. Evid. 702, 703, 705 during the first, of two, summary judgment's that were both denied by the administrative trial judge along with a motion to compel from the United States [federal/central] DHHS government{Agency},... a discovery request from the Agency's Office of Counsel to the Inspector General sent to the Appellant.....1057

D. Submission of a knowly out date PAMP Instrution Manuel to cover the merits upon of which the Agency discriminated.....1074

E. AJ failed to accutate presvre record on Appeal by not including the Direct Evidence included in Appellants Cross Motion, Complaint's motion to amend and Complaint's opposition to Agency's motion for Summary Judgement, in addition to Trial Exhibits presented for submission not allowed to submit that must be to presvere issues on appeal in accordance with MD 110 and AJ HANDBOOK1074

xli

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

F. Tester Interview with Federal Reserve Bank of Atlanta confirmed Fraud that caused reputational harm; Color of the Law abuses by Executive branch Officials, and Retaliation declared in the 'Complainant's Motion to Amend and Complainant's Opposition to Agency's Motion for Summary Judgment' SENT August 5, 2011 opened by Agency, however, unopened by Trial Judge OFO EEOC Administrative trial Judge Lana Layton.....	1074
G.	1075
H. AJ failure to preserve record of Exhibits not allowed to submit to preserve issues on appeal.....	1075
Conclusion & RELIEF	1075
Certificate of Compliance	1076
Certificate of Declaration & Service	1076

Statement Regarding Oral Argument

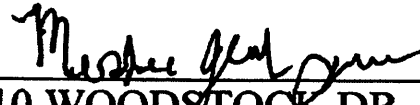
The Appellant submits that oral argument would be helpful since the administrative trial Judge of the Equal Employment Opportunity Commission OFO disallowed THEN Region IV (OIG/HHS/OS/OAS) Regional Inspector General for Audit Services, Peter J. Barbera, the Appellant's supervisor, from testifying as to vitiate the Appellant's Bivens/42 U.S.C. § 1983 claims against this individual, and, the decision process would be significantly aided by its allowance. This request is made pursuant to Fed R. App. 34(c) and 11th Cir. R. 28-2(c).

[Appeal and/or] Agency Review No. 16-10945

Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

Respectfully Submitted,

Moshea John Jones



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Moshea John Jones v. Sylvia Mathews Burwell, Secretary, U.S. DHHS, Agency

Certificate of Service

I certify that on Friday, on the 8th of April 2016, **Appellant THEN Office of Inspector General (OIG) United States Department of Health and Human Services (HHS), Office of the Secretary (OS), Office of Audit Services (OAS), Region IV, Information Technology Auditor Law-enforcement official, M. John Jones [Request and/or] Motion to the office of the Clerk or Cir. Judge(s) for the United States Court of Appeal for the 11th circuit hold briefing schedule until United States Equal Employment Opportunity Commission Office of Federal Operations sends OFO Docket No. # 0120131578; And OFO Docket Nos. # 0120122573 {[Agency No: HHS-OS-0013-2010] EEOC Case No: 410-2011-00227X}, 0120122702 {[Agency No: HHS-OS-0034-2010] EEOC Case No: Hearing Requested (see OFO APPEAL Form 573 OFO DOCKET No. # 0120131578} record(s) to the United States Court of Appeals for the 11th circuit!**

TO be served simultaneously on the Commission and the Agency via United States Postal Service within five business days and electronically to Agency Counsel listed below within 3 days of today, Friday, the 8th of April via email vis-à-vis Adobe send now & track

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Department of Health and Human Services
Mary E. Switzer Building
330 C St., SW, Suite 2200
Washington, DC 20201

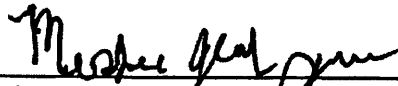
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